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Washington, Tuesday, May 4, 1943

The President

PROCLAMATION 2584

SUSPENDING QUOTAS ON CERTAIN IMPORTS OF WHEAT AND WHEAT FLOUR

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935 (49 Stat. 750, 773), as amended by section 5 of the act of February 29, 1936 (49 Stat. 1148, 1152), as reenacted by section 1 of the act of June 3, 1937 (50 Stat. 246), and as further amended by the act of January 25, 1940 (54 Stat. 17), I issued a proclamation on May 28, 1941 (No. 2489),¹ limiting the quantities of wheat and wheat flour which may be entered, or withdrawn from warehouse, for consumption, which proclamation was in part suspended by my proclamation of April 13, 1942 (No. 2550);² and

WHEREAS the United States Tariff Commission has made a supplemental investigation pursuant to said section 22 with respect to wheat and wheat flour and has made findings of fact with respect thereto; and

WHEREAS the Tariff Commission has transmitted to me a report of such findings and its recommendations based thereon, and has also transmitted a copy of such report to the War Food Administrator:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby find and declare, on the basis of such supplemental investigation and report, that no circumstances exist requiring the provisions of my proclamation of May 28, 1941, with respect to wheat and wheat flour purchased by the War Food Administrator or any agency or person designated by him. Accordingly, pursuant to the aforesaid section 22, I hereby proclaim that the provisions of

my said proclamation of May 28, 1941, are suspended, effective immediately, insofar as they apply to wheat and wheat flour purchased by the War Food Administrator or any agency or person designated by him.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of April in the year of our Lord nineteen hundred and forty-
[SEAL] three and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43-6813; Filed, April 30, 1943;
5:01 p. m.]

PROCLAMATION 2585

MOTHER'S DAY, 1943

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS millions of American mothers, and particularly the mothers of men in service and the younger mothers whose husbands are overseas, are bearing so nobly the sorrow of separation and the hardships of wartime dislocations; and

WHEREAS the mothers of our country are patriotically cooperating, with ration books and victory gardens and war bonds, to ensure the success of the civilian phases of our all-out war effort, and are responding loyally to the call for participation in war production and civilian defense activities; and

WHEREAS, in the words of Public Resolution 25, 63d Congress, approved by President Wilson on May 8, 1914, "the service rendered the United States by the American mother is the greatest

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¹ 6 F.R. 2673.

² 7 F.R. 2825.



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source of the country's strength and inspiration"; and

WHEREAS the second Sunday in May is designated as Mother's Day by the said joint resolution, which also provides that it shall be the duty of the President of the United States to request the observance of that day;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby direct the officials of the Government to display the flag of the United States on all Government buildings on Mother's Day, May 9, 1943, and I call upon the people of the United States to display the flag at their homes or other suitable places on that day as a public expression of our love and esteem for the mothers of our country, and I urge all to make the day the occasion for renewed private expressions of love for our mothers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed,

DONE at the City of Washington this 30th day of April, in the year of our Lord nineteen hundred and forty-three, and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43-6867; Filed, May 1, 1943; 4:14 p. m.]

EXECUTIVE ORDER 9340

POSSESSION AND OPERATION OF COAL MINES

WHEREAS widespread stoppages have occurred in the coal industry and strikes are threatened which will obstruct the effective prosecution of the war by curtailing vitally needed production in the coal mines directly affecting the countless war industries and transportation systems dependent upon such mines; and

WHEREAS the officers of the United Mine Workers of America have refused to submit to the machinery established for the peaceful settlement of labor disputes in violation of the agreement on the part of labor and industry that there shall be no strikes or lockouts for the duration of the war; and

WHEREAS it has become necessary for the effective prosecution of the war that the coal mines in which stoppages or strikes have occurred, or are threatened, be taken over by the Government of the United States in order to protect the interests of the nation at war and the rights of workers to continue at work:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The Secretary of the Interior is authorized and directed to take immediate possession, so far as may be necessary or desirable, of any and all mines producing coal in which a strike or stop-

page has occurred or is threatened, together with any and all real and personal property, franchises, rights, facilities, funds and other assets used in connection with the operation of such mines, and to operate or arrange for the operation of such mines in such manner as he deems necessary for the successful prosecution of the war, and to do all things necessary for or incidental to the production, sale and distribution of coal.

In carrying out this order, the Secretary of the Interior shall act through or with the aid of such public or private instrumentalities or persons as he may designate. He shall permit the management to continue its managerial functions to the maximum degree possible consistent with the aims of this order.

The Secretary of the Interior shall make employment available and provide protection to all employees resuming work at such mines and to all persons seeking employment so far as they may be needed; and upon the request of the Secretary of the Interior, the Secretary of War shall take such action, if any, as he may deem necessary or desirable to provide protection to all such persons and mines.

The Secretary of the Interior is authorized and directed to maintain customary working conditions in the mines and customary procedure for the adjustment of workers' grievances. He shall recognize the right of the workers to continue their membership in any labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, provided that such concerted activities do not interfere with the operations of the mines.

Possession and operation of any mine or mines hereunder shall be terminated by the Secretary of the Interior as soon as he determines that possession and operation hereunder are no longer required for the furtherance of the war program.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 1, 1943.

[F. R. Doc. 43-6846; Filed, May 1, 1943; 12:33 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

RETIREMENT OF STOCK UPON REPAYMENT OF LOANS

Section 11.172 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 11.172 *Stock subscription required.* When an additional loan is made on property which is mortgaged in whole or

¹ For Regulations see Interior Department, Solid Fuels Administrator for War, *infra*.

in part to secure an outstanding bank loan, the Administration approves the retirement, under Section 7 of the Federal Farm Loan Act (12 U.S.C. 721), of all stock of the bank held as security for the outstanding loan which is in excess of 5 percent of the unpaid balance of the outstanding loan plus the additional loan; *Provided*, (1) such retirement is authorized by the board of directors of the bank, (2) the capital stock of the association through which the outstanding loan was made is not impaired or the only stock outstanding in connection with the outstanding loan is bank stock, and (3) the applicant is entitled to the proceeds of the stock in the association or the bank which was issued in connection with the outstanding loan.

(Sec. 6, 47 Stat. 14, Sec. 7, 39 Stat. 365; 12 U.S.C. 665, 721)

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-6898; Filed, May 3, 1943;
9:45 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 528]

PART 301—DOMESTIC QUARANTINE NOTICES

REVISION OF MEXICAN FRUITFLY REGULATIONS; STERILIZATION OF GRAPEFRUIT

MAY 6, 1943.

Because of increasing numbers of infestations of Mexican fruitflies now occurring in the regulated area in the Rio Grande Valley it has become necessary to require the sterilization of grapefruit moved interstate from the Texas counties of Brooks, Cameron, Hidalgo, Willacy, and that part of Jim Wells County under regulation. The harvesting season for oranges and grapefruit in these counties was extended to May 31 for this year under administrative instructions of the Bureau, which became effective March 1, 1943 (Circular B. E. P. Q. 526). The authorized methods of sterilization are set forth in Circular B. E. P. Q. 472, revised effective September 25, 1941.

§ 301.64-4b *Administrative instructions relative to the Mexican fruitfly quarantine.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (e) of § 301.64-4, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 64], it is hereby required that effective May 6, 1943, and continuing throughout the harvesting season to the close of May 31, 1943, all grapefruit shall be sterilized as a condition of certification for interstate movement from the Texas counties of Brooks, Cameron, Hidalgo, Willacy, and that part of Jim Wells County under regulation.

(7 CFR § 301.64-4; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 29th day of April 1943.

P. N. ANNAND,
Chief.

[F. R. Doc. 43-6873; Filed, May 1, 1943;
4:11 p. m.]

Chapter X—War Food Administration

[FPO 5, Directive 3]

PART 1206—FERTILIZER

CHEMICAL FERTILIZER CONTAINING CHEMICAL NITROGEN

§ 1206.103 *Directive 3—(a) Distribution and delivery of chemical nitrogen as straight material for use on field corn or cotton of varieties normally stapling less than one and one-eighth inches.* Pursuant to the provisions of paragraphs (d) (1) and (d) (2) of Food Production Order No. 5, the distribution and delivery of chemical nitrogen as straight material for use on field corn or cotton of varieties normally stapling less than one and one-eighth inches shall, on and after May 1, 1943, be governed by the following directions:

(1) Before making delivery of chemical nitrogen as straight material to any person for use on field corn or cotton of varieties normally stapling less than one and one-eighth inches, fertilizer manufacturers, dealers, and agents shall make provision for the requirements of persons for such straight material for use on Group A crops, as provided in paragraph (h) (3) of Food Production Order No. 5.

(2) Before delivering chemical nitrogen as straight material to any person for use on field corn or cotton of varieties normally stapling less than one and one-eighth inches in excess of 75 percent of such person's requirements, fertilizer manufacturers, dealers, and agents shall first make provision for delivering such straight material to the extent of 75 percent of the requirements of all eligible applicants for such straight material for such purposes.

(3) In delivering chemical nitrogen as straight material to persons for use on field corn or cotton of varieties normally stapling less than one and one-eighth inches in excess of 75 percent of the requirements of such persons, fertilizer manufacturers, dealers, and agents shall, so far as practicable, deliver to each person the same percentage of his requirements as is currently being delivered to other persons in the same area for the same use.

(4) Fertilizer manufacturers, dealers, and agents shall make available for delivery for use on other Group B crops, in the same area, as high a percentage of chemical nitrogen in straight material as is made available for use on field corn or cotton of varieties normally stapling less than one and one-eighth inches.

18 F.R. 947, 3689, 3750, 4817, 5358.

(FPO 5, 8 F.R. 947, 3689, 3750, 4817, 5358)

Issued this 30th day of April 1943.

[SEAL] D. A. FITZGERALD,
Acting Director of Food Production.

[F. R. Doc. 43-6843; Filed, May 1, 1943;
11:57 a. m.]

Chapter XI—War Food Administration

[FDO 2, Amendment 1]

PART 1401—DAIRY PRODUCTS

REQUIREMENTS FOR PRODUCERS AND AUTHORIZED RECEIVERS TO SET ASIDE BUTTER

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to assure an adequate supply and efficient distribution of butter to meet war and essential civilian needs: *It is hereby ordered*, That Food Distribution Order No. 2 (8 F.R. 253) issued by the Secretary of Agriculture of the United States on January 5, 1943, be, and the same hereby is, amended so as to read as follows:

§ 1401.11 *Butter, required to be set aside—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "butter" means the food product usually known as butter and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 percent by weight of milk fat, all tolerances having been allowed. Unless otherwise specified by the Director, it shall include butter made from milk or cream containing whey cream but shall exclude butter made entirely from whey cream.

(2) The term "whey cream butter" means the food product usually known as butter which is made exclusively from whey cream.

(3) The term "U. S. 89 score" means U. S. Grade C or U. S. 89 score, determined in accordance with the Official United States Standards for Grades of Creamery Butter, issued in January 1943 by the United States Department of Agriculture, effective February 1, 1943.

(4) The term "person" means any individual, partnership, corporation, association, or other business entity.

(5) The term "authorized receiver" means any person who has facilities or access to facilities which enable him to receive, store, and ship butter in carload lots, who customarily ships butter in carload lots, and who holds a letter or certificate of authority, issued by the Director, to receive butter set aside pursuant to the provisions hereof.

(6) The term "set aside" means set aside and hold for sale and delivery to designated agencies.

(7) The term "designated agencies" means any of the following designated

agencies or any other agency designated by the Director: (i) Food Distribution Administration (including, but not limited to, the Federal Surplus Commodities Corporation), (ii) Dairy Products Marketing Association, Inc., (iii) United States Army, (iv) United States Navy, (v) United States Marine Corps, (vi) United States Coast Guard, (vii) War Shipping Administration, (viii) Veterans Administration.

(8) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on producers or authorized receivers of butter.* (1) Every person who has produced more than 12,000 pounds of butter in any calendar month from January 1942 to April 1943, inclusive, shall set aside in May 1943 and each subsequent calendar month a quantity of butter equal to such percentage as the Director may order of all butter produced by such person in May 1943 and each subsequent calendar month, regardless of the quantity produced by him during and after May 1943; and every person who has not produced more than 12,000 pounds of butter in any calendar month from January 1942 to April 1943, inclusive, but who produces more than 12,000 pounds of butter in May 1943 or any subsequent calendar month shall, thereafter each calendar month, set aside a quantity of butter equal to such percentage as the Director may order of all butter produced by such person in each such calendar month, regardless of the quantity produced by him in each such calendar month. In the event of a change in the ownership with respect to a creamery, the production record of the former owner with respect to such creamery shall be the basis for reporting and setting aside butter by the new owner; and the purchaser of the creamery shall so report and set aside butter if the person from whom he purchased the creamery was obligated to report and set aside butter.

(2) Notwithstanding the restrictions of paragraph (b) (1) hereof, any person required by the provisions of said paragraph (b) (1) to set aside butter may, at his option, sell or deliver all or part of the butter set aside pursuant to the provisions hereof to any authorized receiver who agrees to set aside, out of the butter in his possession or control, a quantity of butter equal to the quantity of such set-aside butter received by him, and such authorized receiver shall so set aside such quantity of butter. An authorized receiver may, prior to May 16, 1943, sell or deliver set-aside butter to another authorized receiver who agrees to set aside, out of the butter in his possession or control and in addition to all other butter required to be set aside by him, a quantity of butter equal to the quantity of set-aside butter so delivered to him. After May 15, 1943, an authorized receiver shall not sell or deliver set-aside butter to another authorized receiver unless the authorized receiver to whom such butter is to be delivered has applied to the Director

and received from him specific authorization to receive such butter. Each person delivering or shipping butter to an authorized receiver shall deliver to such authorized receiver a certificate, in duplicate, in substantially the following language (with the appropriate information inserted in the blank spaces):

This is to certify that of the ----- pounds of butter shipped or delivered on -----, ----- pounds are butter set aside pursuant to the provisions of Food Distribution Order No. 2, issued by the Secretary of Agriculture of the United States on January 5, 1943, as amended, and such amount of butter thus set aside is required to be set aside by you pursuant to the provisions of said order. The balance of ----- pounds is butter free from the restrictions of said order.

(Signature of producer)

This will acknowledge receipt of the above indicated quantity of butter set aside pursuant to said order.

(Signature of authorized receiver)

The aforesaid certificate shall be signed in duplicate by the authorized receiver who shall return one copy to the producer who delivered or shipped the butter and shall retain the original for one year after the date of receipt thereof.

(3) All butter set aside pursuant hereto shall be stored under the same conditions of storage customarily observed to maintain the quality of butter, and shall be packaged and assembled for delivery in accordance with requirements and specifications of the designated agencies purchasing such butter. All set-aside butter shall be salted and shall be U. S. 89 score or better, unless (i) the producer arranges with an authorized receiver to deliver unsalted butter or butter below U. S. 89 score to such receiver who will set aside an equal quantity of butter which is salted and is U. S. 89 score or better, (ii) the producer or authorized receiver arranges with a designated agency to deliver unsalted butter or butter below U. S. 89 score to such agency, or (iii) the producer shows, by grading certificates issued by Food Distribution Administration, that the quantity of butter of U. S. 89 score or better produced by him in the month in which it is required to be set aside is less than the quantity required to be set aside in such month, in which case the set-aside butter shall include all of the U. S. 89 score or better produced by him in such month and an additional quantity of lower grade butter sufficient to fulfill the total set-aside requirements of this order. The Director may require the owners of set-aside butter to submit proof as to the grades of such butter. The grades of butter as determined by official inspectors of the Food Distribution Administration shall be final in all cases.

(4) Any receiver who desires to become an authorized receiver shall file with the Director an application, upon a form approved by the Director, setting forth the information requested in said form of application. Thereupon, the Director shall consider such application

and issue a letter of authority if, in the opinion of the Director, the issuance of such letter of authority will tend to effectuate the purposes of this order. Any letter of authority issued by the Director pursuant to Food Distribution Order No. 2 prior to the issuance of this amendment shall constitute authority to such person to act as an authorized receiver under the provisions hereof. Any letter of authority may be revoked at any time by the Director. No person shall represent himself to be an authorized receiver unless he holds a letter of authority duly issued by the Director. No person other than an authorized receiver shall receive, or after receipt, deal in butter set aside pursuant to the provisions hereof.

(5) The Director may release any butter from the restrictions of this order if he determines that no designated agency has contracted for, or declared its intention or desire to contract for, such butter within such period as may be specified by the Director, or that such butter is not required for such agencies. The Director may issue such administrative rulings, regulations, interpretations, and exemptions, as he deems necessary to facilitate, expedite, and accomplish for the purposes of this order.

(6) The restrictions hereof shall be observed without regard to the rights of creditors, existing contracts, or payments made. This order shall not, however, be construed as reducing the amount of butter which any person is required to offer or deliver, under existing contracts or contracts subsequently entered into with any designated agency, to any such agency.

(c) *Records and reports.* Each person producing more than 1,000 pounds of butter, whey cream butter, or both, in any month, each authorized receiver, and every other person to whom this order applies shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(d) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections by the Director, at all reasonable times, of his stocks of butter or whey cream butter, and the premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(e) *Applicability of order.* Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Territory or Possession of the United States with respect to such business.

(f) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the

Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(g) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under Section 35a of the Criminal Code (18 U. S. C. 1940 ed. 80), under Paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(h) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref. FD-2.

(i) *Delegation of authority.* The Director is hereby designated to administer the provisions hereof.

(j) *Bureau of the Budget approval.* The specific record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(k) *Effective date.* This order shall take effect May 1, 1943. With respect to any violation of said Food Distribution Order No. 2, prior to the effective time of the provisions of this amendment, said Food Distribution Order No. 2 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9354, 8 F.R. 5423)

Issued this 30th day of April, 1943.

[SEAL]

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-6842; Filed, May 1, 1943; 11:57 a. m.]

[FDO 2-1]

PART 1401—DAIRY PRODUCTS

PERCENTAGE OF BUTTER TO BE SET ASIDE BY PRODUCERS AND AUTHORIZED RECEIVERS

Pursuant to the authority vested in me by Food Distribution Order No. 2, dated January 5, 1943, as amended, issued under Executive Order No. 9280 of December 5, 1942, and Executive Order No. 9322 of March 26, 1943, as amended by Executive Order No. 9334 of April 19, 1943, and to effectuate the purposes of such orders: *It is hereby ordered*, As follows:

§ 1401.14 *Percentage of butter to be set aside in May, June, and July, 1943.* (a) Every person who is required to set

aside butter in May, June, and July, 1943 pursuant to the provisions of Food Distribution Order No. 2, as amended, shall set aside in each of the months of May, June, and July in which he is required to set aside butter, a quantity of butter equal to at least 50 percent of all butter produced, in each such month, by him.

(b) This order shall be effective on May 1, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9354, 8 F.R. 5423; F.D.O. No. 2, 8 F.R. 253)

Issued this 30th day of April 1943.

[SEAL]

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-6839; Filed, May 1, 1943; 11:57 a. m.]

[FDO 11, Amendment 2]

PART 1401—DAIRY PRODUCTS

MILK MARKETING ECONOMIES

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to assure an adequate supply and efficient distribution of milk and milk products to meet war and essential civilian needs, *It is hereby ordered*, That Food Distribution Order No. 11 (8 F.R. 1090) issued by the Secretary of Agriculture of the United States on January 21, 1943, as amended, be, and the same hereby is, amended by deleting from § 1401.21 (c) (2) of said order the words and figures "For a period of 90 days after the effective date hereof", wherever the same appear therein, and inserting, in lieu thereof, the words and figures "Until July 1, 1943."

The provisions hereof shall become effective at 12:01 a. m., e. w. t., May 1, 1943. With respect to any violation of said Food Distribution Order No. 11, prior to the effective time of the provisions of this amendment, said Food Distribution Order No. 11 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of April 1943.

[SEAL]

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-6870; Filed, May 1, 1943; 4:11 p. m.]

[FDO 15, Amendment 1]

PART 1401—DAIRY PRODUCTS

REQUIREMENTS FOR MANUFACTURERS AND ASSEMBLERS TO SET ASIDE CHEDDAR CHEESE

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322 dated March 26, 1943, as amended

8 F.R. 1090, 4751.

by Executive Order No. 9334, dated April 19, 1943, and in order to assure an adequate supply and efficient distribution of Cheddar cheese to meet war and essential civilian needs: *It is hereby ordered*, That Food Distribution Order No. 15 (8 F.R. 1704) issued by the Secretary of Agriculture of the United States on February 6, 1943, be, and the same is hereby, amended so as to read as follows:

§ 1401.1 *Cheddar cheese, required to be set aside—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "Cheddar cheese", frequently called "American cheese" or "American Cheddar cheese", means Cheddar cheese (produced in the United States) as defined in the regulations, issued by the Food and Drug Administration, published in 6 F.R. p. 195 et seq., 21 CFR § 19.500.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "authorized cheese assembler" means any person who has facilities, or access to facilities, which enable him to receive, paraffin, store, and ship Cheddar cheese in carload lots, and who customarily ships Cheddar cheese in carload lots, and who holds a letter of authority, issued by the Director, to receive Cheddar cheese set aside pursuant to the provisions hereof.

(4) The term "set-aside" means set aside for sale and delivery to any of the following designated agencies or any other agency designated by the Director: (i) Food Distribution Administration (including but not limited to the Federal Surplus Commodities Corporation); (ii) Dairy Products Marketing Association, Inc.; (iii) United States Army; (iv) United States Navy; (v) United States Marine Corps; (vi) United States Coast Guard; (vii) War Shipping Administration; and (viii) Veterans Administration.

(5) The terms "U. S. No. 1" and "U. S. No. 2" mean Cheddar cheese of "U. S. No. 1" (U. S. Grade A), and "U. S. No. 2" (U. S. Grade B), respectively, as defined in "Tentative U. S. standards for grades of American Cheddar cheese" issued by the Food Distribution Administration, effective as of May 1, 1943. Whenever new standards are issued by the Food Distribution Administration or promulgated by the Secretary of Agriculture, "U. S. No. 1" and "U. S. No. 2" shall mean "U. S. No. 1" (U. S. Grade A) and "U. S. No. 2" (U. S. Grade B), respectively, as specified in such new standards.

(6) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on manufacturers or assemblers of Cheddar cheese.* (1) Every person who has produced more than 8,000 pounds of Cheddar cheese in any calendar month from January 1942 to April 1943, inclusive, shall set aside in May 1943, and each subsequent calendar month, a quantity of Cheddar

cheese equal to such percentage as the Director may order of all Cheddar cheese produced by such person in May 1943, and each subsequent calendar month, regardless of the quantity produced by him during and after May 1943; and every person who has not produced more than 8,000 pounds of Cheddar cheese in any calendar month from January 1942 to April 1943, inclusive, but who produces more than 8,000 pounds of Cheddar cheese in May 1943, or any subsequent calendar month, shall, thereafter, each calendar month, set aside a quantity of Cheddar cheese equal to such percentage as the Director may order of all Cheddar cheese produced by such person in each such calendar month, regardless of the quantity produced by him in each such calendar month. In the event of a change in ownership with respect to a cheese factory, the production record of the former owner with respect to such cheese factory shall be the basis for reporting and setting aside Cheddar cheese by the new owner, and the purchaser of the cheese factory shall so report and set aside Cheddar cheese, if the person from whom he purchased the cheese factory was obligated to report and set aside Cheddar cheese.

(2) Notwithstanding the restrictions of paragraph b (1) hereof, any person required by the provisions of said paragraph b (1) to set aside Cheddar cheese may, at his option, sell or deliver all or part of the Cheddar cheese set aside, pursuant to the provisions hereof, to any authorized cheese assembler who agrees to set aside, out of the Cheddar cheese in his possession or control, a quantity of Cheddar cheese equal to the quantity of such set-aside Cheddar cheese received by him, and such authorized cheese assembler shall so set aside such quantity of Cheddar cheese. An authorized cheese assembler shall not, however, sell or deliver set-aside Cheddar cheese to another authorized cheese assembler unless the authorized cheese assembler to whom such Cheddar cheese is to be delivered, has applied to the Director and received from him specific authorization to receive such Cheddar cheese. Each person delivering or shipping Cheddar cheese to an authorized cheese assembler shall deliver to such authorized cheese assembler a certificate, in duplicate, in substantially the following language (with the appropriate information inserted in the blank spaces):

This is to certify that of the ----- pounds of Cheddar cheese shipped or delivered on ----- pounds are Cheddar cheese set aside pursuant to the provisions of Food Distribution Order No. 15, issued by the Secretary of Agriculture of the United States on February 6, 1943, as amended, and such amount of set-aside Cheddar cheese is required to be set aside by you pursuant to the provisions of said order. The balance, ----- pounds, is Cheddar cheese free from the restrictions of said order.

(Signature of manufacturer)

This will acknowledge receipt of the above indicated quantity of Cheddar cheese set aside pursuant to said order.

(Signature of authorized cheese assembler)

The aforesaid certificate shall be signed in duplicate by the authorized assembler who shall return one copy to the manufacturer who delivered or shipped the Cheddar cheese and shall retain the original for one year after the date of receipt thereof.

(3) All Cheddar cheese set aside pursuant to the provisions hereof shall be stored under the same conditions of storage customarily observed to maintain the grade and quality of Cheddar cheese, and shall be packaged and assembled for delivery in accordance with requirements and specifications of the designated agencies purchasing such cheese. At least 80 percent of the Cheddar cheese thus set aside pursuant to the provisions hereof shall be U. S. No. 1 grade or better, and the remainder shall be not less than U. S. No. 2 grade: *Provided, however*, That if the manufacturer shows by grading certificates issued by the Food Distribution Administration that all of the Cheddar cheese of U. S. No. 1 grade or better produced by him is less than the quantity required to be set aside pursuant hereto, the quantity to be set aside shall include all of the U. S. No. 1 grade or better manufactured or received by such person and the remainder may be U. S. No. 2 grade: *Provided, further*, That if the manufacturer shows by grading certificates issued by the Food Distribution Administration that the total quantity of Cheddar cheese of U. S. No. 2 grade or better produced by him in the month in which it is required to be set aside is less than the quantity of Cheddar cheese required to be set aside in such month, he shall set aside all of the Cheddar cheese of U. S. No. 2 grade or better produced by him in such month and an additional quantity of lower grade Cheddar cheese to fulfill total set-aside requirements of this order. Grades as determined by official inspectors of the Food Distribution Administration shall be final in all cases.

(4) Any person who desires to become an authorized cheese assembler shall file with the Director an application, upon a form approved by the Director, setting forth the information requested in said form of application. Thereupon, the Director shall consider such application and issue a letter of authority if, in the opinion of the Director, the issuance of such a letter of authority will tend to effectuate the purposes hereof. Letters of authority issued by the Director pursuant to Food Distribution Order No. 15 prior to the issuance of this amendment shall constitute authority to act as an authorized cheese assembler under the provisions hereof. Any letter of authority may be revoked at any time by the Director. No person shall represent himself to be an authorized cheese assembler unless he holds a letter of authority duly issued by the Director. No person other than an authorized cheese assembler shall receive or, after receipt, deal in Cheddar cheese set aside pursuant to the provisions hereof.

(5) The Director may release any Cheddar cheese from the restrictions of this order if he determines that no designated agency has contracted for, or de-

clared its intention or desire to contract for, such Cheddar cheese within such period as he may specify, or that such Cheddar cheese is not required for such agencies. The Director may issue such administrative rulings, regulations, interpretations, and exemptions as he deems necessary to facilitate, expedite, and accomplish the purposes of this order.

(6) The restrictions hereof shall be observed without regard to the rights of creditors, existing contracts or payments made. This order shall not, however, be construed as reducing the amount of Cheddar cheese which any person is required to offer or deliver, under existing contracts or contracts subsequently entered into, to any agency specified in or pursuant to the provisions in paragraph (a) (4) hereof.

(c) *Records and reports.* Each person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(d) *Audit and inspection.* Every person subject to this order shall upon request permit inspections by the Director, at all reasonable times, of his stocks of cheese, including but not being limited to Cheddar cheese, and premises used for the manufacture, assembly, or storage of cheese, including but not being limited to Cheddar cheese, and all of his books, records, and accounts, shall, upon request, be submitted to audit and inspection by the Director.

(e) *Applicability of order.* Any person doing business in one or more of the forty-eight States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business exclusively in any Territory or Possession of the United States with respect to such business.

(f) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(g) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal

Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(h) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref. FD-15.

(i) *Delegation of authority.* The Director is hereby designated to administer the provisions hereof.

(j) *Bureau of the Budget approval.* The specific record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(k) *Effective date.* This order shall take effect May 1, 1943. With respect to any violation of said Food Distribution Order No. 15, prior to the effective time of the provisions of this amendment, said Food Distribution Order No. 15 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of April 1943.

[SEAL] CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-6841; Filed, May 1, 1943;
11:57 a. m.]

[FDO 15-1]

PART 1401—DAIRY PRODUCTS

PERCENTAGE OF CHEDDAR CHEESE TO BE SET ASIDE

Pursuant to the authority vested in me by Food Distribution Order No. 15, dated February 6, 1943, as amended, issued under Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and to effectuate the purposes of such orders: *It is hereby ordered.* As follows:

§ 1401.2 *Percentage of Cheddar cheese to be set aside in May, June, and July, 1943.* (a) Every person who is required to set aside Cheddar cheese in May, June, or July, 1943, pursuant to the provisions of Food Distribution Order No. 15, as amended, shall set aside in each of the months of May, June, and July in which he is required to set aside Cheddar cheese a quantity of Cheddar cheese equal to at least 70 percent of all Cheddar cheese manufactured by him in each such month.

(b) This order shall be effective on May 1, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. No. 15, 8 F.R. 1704)

Issued this 30th day of April 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-6840; Filed, May 1, 1943;
11:57 a. m.]

[FDO 49, Amendment 1]

PART 1405—FRUITS AND VEGETABLES

RESTRICTIONS RELATIVE TO IRISH POTATOES

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to assure an adequate supply and efficient distribution of Irish potatoes to meet war and essential civilian needs: *It is hereby ordered.* That Food Distribution Order No. 49 (8 F.R. 4859), issued by the Acting Administrator of Food Production and Distribution on April 13, 1943, relative to Irish potatoes, be, and the same hereby is, amended by deleting therefrom the provision in § 1405.4 (b) (3) and inserting, in lieu thereof, the following:

(3) The Director shall, notwithstanding any other provision hereof, issue a permit to ship any lot of selected seed Irish potatoes in the event the respective shipment is within one of the categories (1) to (4), inclusive, set forth in § 1351.1019 (d) of the Maximum Price Regulation 271, as amended, issued by the Office of Price Administration: *Provided,* That the Director may refuse to issue a permit for a particular lot of Irish potatoes in the event the Director is of the belief, under all of the information available to the Director, that the respective lot of Irish potatoes will not be used for seed purposes. The Director shall, notwithstanding any other provision hereof, issue a permit to ship any lot of officially certified seed Irish potatoes, as certified by the official seed potato certification agency of the State from which the respective lot is to be shipped, to be used for seed purposes. The Director may issue an order specifying, by rules and regulations, the necessary evidence to be submitted, prior to the issuance of any such permit relative to certified seed Irish potatoes, with respect to whether Irish potatoes are certified seed Irish potatoes, as aforesaid, and are to be used for seed purposes.

This order shall take effect at 12:01 a. m., P. w. t., May 3, 1943. With respect to any violation of said Food Distribution Order No. 49 prior to the effective time of this amendment, said Food Distribution Order No. 49 shall be deemed

to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of April 1943.

[SEAL] CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-6844; Filed, May 1, 1943;
11:58 a. m.]

PART 1410—LIVESTOCK AND MEATS

[FDO 27, Amendment 2]

REQUIREMENT OF PERMIT FOR SLAUGHTER

Pursuant to the provisions of Executive Order 9280, dated December 5, 1942, Executive Order 9322, dated March 26, 1943, and Executive Order 9334, dated April 19, 1943, Food Distribution Order 27, § 1410.4 (8 F.R. 2785), issued by the Secretary of Agriculture on March 5, 1943, as amended April 1, 1943, is amended as follows:

1. By deleting the period at the end of (a) (6), and inserting in lieu thereof the following:

* * * *Provided,* That any such person who has a quota under the provisions hereof exceeding 10,000 pounds live weight shall be deemed a butcher.

2. By amending (e) (7) thereof to read as follows:

(7) The percentages to be used in the determination of quotas for local slaughterers referred to in paragraphs (e) (1) and (e) (2) shall be as follows:

(i) For the month of April, 1943, 80 percent.

(ii) For the month of May, 1943, for beef, in accordance with the provisions of paragraph (n) of this order; for pork, veal, lamb and mutton, 80 percent.

(iii) For months subsequent to May, 1943, such percentages as shall be determined by the Director in accordance with the level of civilian meat allocations established from time to time by the Secretary.

3. By adding at the end of (k) thereof, the following new sentence:

* * * The Director may revoke the permit of any local slaughterer or butcher if he determines that slaughter under such permit has been conducted in the absence of minimum sanitary facilities, or adequate facilities for the conservation and preservation of all edible or principal inedible by-products.

4. By adding immediately after (m) thereof, the following:

(n) *Local slaughterers and butchers; establishment of beef quotas for May, 1943; revocation of temporary quotas*

and increases in quotas. Notwithstanding any other provisions of this order, as amended, or any quota, permit to slaughter, temporary quota, increase or adjustment in quota, or exception, granted thereunder;

(1) The quota of cattle for each local slaughterer in the month of May, 1943, shall be 80 percent of the quantity of beef produced by his slaughter of cattle in the month of May, 1941.

(2) The quota of cattle for each butcher in the month of May, 1943, shall be the number of cattle which he slaughtered in the month of May, 1941.

(3) In any case where a local slaughterer or butcher did not slaughter during the month of May, 1941, his quota of cattle shall be 50 percent of his average monthly slaughter of cattle during the months in which he slaughtered from January 1, 1942, to September 30, 1942, except that where he began slaughtering operations after September 30, 1942, his quota of cattle shall be 50 percent of the average monthly deliveries of beef made by him which were authorized under Meat Restriction Order 1, based upon the number of months in which he was so authorized to make deliveries during the period from October 1, 1942 to March 31, 1943.

No provision of this paragraph (n) shall be construed to increase any quota previously granted to any person under any provision of this order.

This order shall be effective as of the date of its issuance.

(E.O. 280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5425; Food Distribution Order No. 27, 8 F.R. 2785, 4227)

Issued this 30th day of April 1943.

[SEAL] CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-6871; Filed, May 1, 1943;
4:11 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 15—REGULATIONS FOR CORRESPONDENTS, TECHNICAL OBSERVERS AND SERVICE SPECIALISTS ACCOMPANYING U. S. ARMY FORCES IN THE FIELD

TECHNICAL OBSERVERS AND SERVICE SPECIALISTS

Sections 15.31, 15.32, and 15.33 (a) are amended as follows:

§ 15.31 *General.* From time to time technical personnel employed by firms engaged in manufacturing munitions of war may be assigned to field forces of the Army for the purpose of observing the operation of mechanical equipment and armament under field conditions. The function of this technical personnel will be to determine the effect of field operations and conditions on equipment manu-

factured by their firms with a view to overcoming difficulties encountered both in the field and at the factories. (R.S. 161; sec. 1, 41 Stat. 787; 5 U.S.C. 22; 10 U.S.C. 1473) [Par. 1, FM 30-27, September 3, 1942 as amended by C 1, March 25, 1943]

§ 15.32 *Definition.* The term "technical observer" as used in this manual includes any person officially accredited as such by the War Department to a theater of operations or a base command in time of war, for the purpose of observing and reporting upon the operation of mechanical equipment and armament under field conditions and/or assisting in the maintenance and repair of such equipment. The regulations contained herein do not apply in any respect to civilian observers authorized to attend the maneuvers under the control of the Army Ground Forces or Army Air Forces. In regard to these observers, commanders of ground force units will be guided by maneuver instructions published by the Commanding General, Army Ground Forces, from time to time; commanders of air force units will be guided by maneuver instructions published by the Commanding General, Army Air Forces, from time to time. (R.S. 161; sec. 1, 41 Stat. 787; 5 U.S.C. 22; 10 U.S.C. 1473) [Par. 2, FM 30-27, September 3, 1942 as amended by C 1, March 25, 1943]

§ 15.33 *Status of technical observers.* (a) Technical observers in time of war accompanying the armies of the United States, although not in the military service, are subject to military law and are under the control of the commander of the Army Force which they accompany. (R.S. 161; sec. 1, 41 Stat. 787; 5 U.S.C. 22; 10 U.S.C. 1473) [Par. 3 a, FM 30-27, September 3, 1942 as amended by C 1, March 25, 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-6899; Filed, May 3, 1943;
9:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

REGULATIONS UNDER THE RAILROAD RETIREMENT ACT

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. 1940 ed. 228j), the regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended as follows:

PART 208—ELIGIBILITY FOR AN ANNUITY

Section 208.16 is amended by Board Order 43-263 dated April 27, 1943, to read as follows:

§ 208.16 *Age of applicant; how established.* (a) Any one form of documentary evidence will be acceptable to es-

tablish the age of the applicant, and, if a joint and survivor annuity has been elected, of the applicant's spouse. A record of the date of birth which has been verified by an employer prior to July 1, 1943, or a report by an employer that the date of birth or age of the employee who entered the employment of the reporting employer during the calendar year 1932 was entered on the records of the employer within one year after he entered the employment of the reporting employer, or any type of record enumerated below, made prior to January 1, 1932, will be acceptable:

- (1) Civil and Church birth records.
- (2) School records.
- (3) Insurance records.
- (4) Labor Union and Fraternal records.
- (5) Naturalization records.
- (6) Vaccination records.
- (7) Immigration papers.
- (8) Passports.
- (9) Bible and family records.
- (10) Marriage records.
- (11) Military records.
- (12) Employer's records.
- (13) Driver's permits.
- (14) Voting registration records.
- (15) Game licenses.
- (16) Newspaper and magazine clippings.
- (17) Poll Tax exemption certificates.
- (18) Census Age records.
- (19) Any other similar type of documentary evidence.

A sworn statement of two other persons having knowledge of the age of the applicant will also be acceptable provided no documentary type of evidence is available.

(b) A date of birth may be fixed by the Board where acceptable evidence to establish age or birth date cannot be obtained.

PART 210—EXECUTION AND FILING OF AN APPLICATION

Section 210.2 is amended, effective June 1, 1942, by Board Order 43-238 dated April 15, 1943, to read as follows:

§ 210.2 *Application to be filed.* No individual, irrespective of his qualifications, shall receive an annuity under the 1935 or 1937 Act unless he has, on or before the date of his death, either (a) filed with an office of the Board a duly executed application, upon such form as the Board may from time to time prescribe, or (b) delivered for the purpose of transmission to the Board's main office in Chicago, Illinois, such a duly executed application to any field agent of the Board specifically authorized by a Regional Director to receive custody thereof in the district where delivery is made: *Provided, however,* That a claim or application filed with the Social Security Board, whether before or after the adoption of this regulation, for a lump sum payment under sec. 204 (a) of Title II of the Social Security Act, as approved August 14, 1935, or for primary insurance benefits under sec. 202 (a) of the Social Security Act, as amended August 10, 1939, based in whole or in part on service with an employer under the Railroad Retirement Act of 1935 or 1937, which

service had not at the time of such filing been determined by the Board to be with an employer, shall be considered an application for an annuity duly filed with the Railroad Retirement Board. (Secs. 2, 10, 50 Stat. 309, 314; 45 U.S.C. 1940 ed. 228b, 228j)

Section 210.3 is amended, effective June 1, 1943, by Board Order 43-238 dated April 15, 1943, to read as follows:

§ 210.3 *Filing date.* An application, filed in the manner and form prescribed in § 210.2, shall be considered filed with the Board as of the date that it is received at an office of the Board, or the date that it is, in accordance with § 210.2, delivered into the custody of a duly authorized field agent, whichever date is earlier; or in a case in which a claim or application filed with the Social Security Board is, by virtue of § 210.2, an application for an annuity filed with the Railroad Retirement Board, the date on which such claim or application was filed with the Social Security Board shall be considered the date of filing with the Board. (Secs. 2, 10, 50 Stat. 309, 314; 45 U.S.C. 1940 ed. 228b, 228j)

PART 260—APPEALS WITHIN THE BOARD

Section 260.4 (d) is amended, effective June 1, 1942, by Board Order 43-238 dated April 15, 1943, to read as follows:

(d) In determining whether an appeal has been made in accordance with these regulations, the date of filing of a duly executed appeal form prescribed by the Board shall be the date of receipt at an office of the Board or the date of delivery for the purpose of transmission to the Board's main office in Chicago, Illinois, to any field agent specifically authorized by a Regional Director to receive custody thereof in the district where delivery is made, whichever date is earlier. (Sec. 10, 50 Stat. 314; 45 U.S.C. 1940 ed. 228j)

PART 262—MISCELLANEOUS

Section 262.15 is amended, by Board Order 43-187 dated April 6, 1943, to read as follows:

§ 262.15 *Offices of the Board.* The Board hereby establishes as offices of the Board its main office in Chicago, Illinois, the office of the Board's Washington Representative in Washington, D. C., all Regional offices, all District Managers' offices, all Placement offices, and all other offices maintained by the Board as necessary for the proper discharge of its functions under the Railroad Retirement Act. (Sec. 10, 50 Stat. 314; 45 U.S.C. 1940 ed. 228j)

Section 262.16 (f) is amended, effective June 1, 1942, by Board Order 43-238 dated April 15, 1943, by striking the words, "District of Columbia" in the third sentence thereof and substituting therefor the words, "Northern District of Illinois"; and by inserting the words, "844 Rush Street, Chicago, Illinois," for the words, "10th and You Streets, North-

west, Washington, D. C." at the end of the last sentence of that paragraph.

By authority of the Board.

[SEAL]

MARY B. LINKINS
Secretary of the Board.

APRIL 30, 1943.

[F. R. Doc. 43-6904; Filed, May 3, 1943; 9:49 a. m.]

PART 299—PRIOR SERVICE RECORDS

MISCELLANEOUS AMENDMENTS

Amending regulations under the joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts.

Pursuant to the general authority contained in section 5 of Public Resolution No. 102 approved October 9, 1940 (Sec. 5, 54 Stat. 1090; 45 U.S.C. 1940 ed., 228h), the regulations of the Railroad Retirement Board under such resolution (5 F.R. 4332) are amended, effective June 1, 1942, by Board Order 43-238 dated April 15, 1943, as follows:

Section 299.16 (b) is amended by striking in the first sentence the reference to "Washington, D. C." and inserting in lieu thereof, "Chicago, Illinois".

Section 299.58 (a) is amended by striking the reference to "Washington, D. C." and inserting in lieu thereof, "Chicago, Illinois".

Section 299.58 (b) is amended by striking the reference to "Washington, D. C." and inserting in lieu thereof, "Chicago, Illinois".

Section 299.58 (d) is amended to read:

(d) *Time limit for contest of record.* An individual who wishes, pursuant to paragraph (a) or (b) of this section, to contest the record as established, or the failure to establish such record, shall file with the director of retirement claims the statement as provided for in paragraph (a) or (b) of this section, within two years from the date that the Board entered upon its records a finding that reasonable notice had been given with respect to such individual, as provided in § 299.56. In determining whether a contest, as provided for in paragraph (a) or (b) of this section, has been made in accordance with this subsection, the date of filing the statement required shall be the date of receipt thereof at an office of the Board, or the date of delivery for the purpose of transmission to the Board's main office in Chicago, Illinois, to any field agent specifically authorized by a Regional Director to receive custody thereof in the district where delivery is made, whichever date is earlier.

Section 299.59 (d) is amended to read as follows:

(d) *When an appeal has been made.* In determining whether an appeal has been made in accordance with this section, the date of filing of a duly executed

appeal form prescribed by the Board shall be the date of receipt thereof at an office of the Board, or the date of delivery for the purpose of transmission to the Board's main office in Chicago, Illinois, to any field agent specifically authorized by a regional director to receive custody thereof in the district where delivery is made, whichever date is earlier. (Secs. 4, 5, 54 Stat. 1089, 1090; 45 U.S.C. 1940 ed. 228h)

By authority of the Board.

[SEAL]

MARY B. LINKINS
Secretary of the Board.

APRIL 30, 1943.

[F. R. Doc. 43-6903; Filed, May 3, 1943; 9:49 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter I—Grazing

PART 72—GRAZING, NAVAJO AND HOPI RESERVATIONS

MISCELLANEOUS AMENDMENTS

Title 25, Chapter I, Subchapter I, Grazing, Part 72, Grazing Navajo and Hopi Reservations, is modified, by amending §§ 72.6 and 72.13 and by the addition of new §§ 72.7a and 72.14 as follows:

§ 72.6 *Carrying capacities.* The Commissioner of Indian Affairs shall promulgate for each land management district the carrying capacity for livestock.

Carrying capacities shall be stated in terms of sheep units yearlong, in the ratio of, horses, mules and burros 1 to 5, cattle 1 to 4, goats 1 to 1. The latter figure in each case denotes sheep units. Sheep and goats 6 months of age or older and cattle, horses, mules and burros one year of age or older shall be counted against the carrying capacity. Carrying capacities shall be determined in accordance with the methods now in use by the Navajo Service and approved by the "Inter-Agency Range Survey Committee for the Southwestern States." (R. S. 161, 465, sec. 6, 48 Stat. 986; 5 U.S.C. 22, 25 U.S.C. 9, 466)

§ 72.7a *Grazing rights and permits.* The Superintendent shall determine grazing rights of bona fide livestock owners. Grazing rights shall be recognized for those family heads having ownership records as established in accordance with § 72.7, and who have made substantial use of the reservation range prior to the year 1937, or who have acquired grazing rights subsequent to that year by marriage, inheritance, purchase, division of permit or assignment of rights from a district grazing pool as herein provided.

Ownership and rights in livestock and permits in cases of divorce, separation, or threatened family disruption shall be determined by the Superintendent and District Council. In the event that the Superintendent and District Council

cannot agree all facts and circumstances shall be referred to the Commissioner of Indian Affairs for final decision.

All livestock grazing on the Navajo Reservation must be authorized by a grazing permit issued by the Superintendent and held in the possession of the permittee. The number of livestock that may be grazed under each permit shall be determined through maximum limit and base preference numbers which shall be established for each land management district by the Superintendent as defined in § 72.13, (e) and (f). No permittee shall be authorized to graze more than 10 head of horses in excess of one year of age.

Upon recommendation of the District Council, and with the approval of the Superintendent, one or more permittees may establish an area of range for their exclusive use: *Provided*, That the carrying capacity of the designated area does not exceed their total permitted stock.

With the approval of the Superintendent permits may be transferred from one permittee to another, or may be inherited; *Provided*, That the permitted holdings of any individual permittee shall not exceed three hundred fifty (350) sheep units or the equivalent thereof. Should inheritance or other acquisition of permits increase the holdings of any permittee to more than 350 sheep units, said permittee shall dispose of all livestock in excess of 350 sheep units not later than November 15 following date of inheritance or other acquisition, and that portion of his or her permit in excess of 350 sheep units within one (1) year from date of inheritance or other acquisition. Failure to do so on the part of any permittee will result in forfeiture of excess grazing rights under authority of this section, which shall be assigned to the district grazing pool as defined in § 72.13 (j).

Failure of a permittee to make full use of his permit for one (1) year shall constitute the basis for action by the District Council to cancel all or any part of unused portion. In the event that the District Council does not act within one (1) year, the Superintendent is authorized to cancel the permit. Revoked permits shall be placed in a grazing pool of the district and such privileges may be reissued within the district in accordance with local regulations of the District Council and with the approval of the Superintendent.

Except as herein provided no increase in individual permits as issued in accordance with this section will be allowed during the rehabilitation period however, new permits may be issued to new stock owning families or heads of families provided these permits originate from unused accumulations in district grazing pools and their issuance does not increase total permitted livestock numbers to exceed the carrying capacity of the

district. (R.S. 161, 465, 5 U.S.C. 22, 25 U.S.C. 9)

§ 72.13 *Definitions*—(a) *Family group*. A single home economic unit, living closely associated in one or more grouped hogans or houses, which shares its livestock and agricultural income in common and recognizes one individual as the family head.

(b) *Family head*. The person who exercises control of a family group either because of the responsibility placed on him by blood relationship, moral or economic obligations, or otherwise.

(c) *Rehabilitation period*. That time which is required under proper range use and administration to effect range recovery great enough to make possible a readjustment of livestock numbers to a higher carrying capacity of the range.

(d) *Navajo service*. The integrated activities of the various branches of the Indian Service as they apply to the Navajo Reservation under the provisions of the "Unified Navajo Program."

(e) *Base preference*. That number of livestock which each stock-owning family group within a district would own if the carrying capacity of the district range were equally distributed among them.

(f) *Maximum limit*. That number of livestock to which all of the larger family groups in a district would have to reduce their herds in order to eliminate the livestock grazed in excess of the carrying capacity of the district (see the chart in paragraph (d) this section for further explanation of the meaning of this term).

(g) *Hopi Reservation*. For the purpose of the regulations in this part, District 6, as now established or hereafter established shall constitute the Hopi Reservation until such time as the boundaries thereof are definitely determined in accordance with Article I of the Constitution and Bylaws of the Hopi Tribe.

(h) *Navajo Tribal Council*. The legally elected delegates of the Navajo Tribe, meeting in a body in a general session duly authorized by the Commissioner of Indian Affairs.

(i) *District Council*. The legally elected delegates to the Navajo Tribal Council representing the district in which they reside.

(j) *District grazing pool*. That portion of the carrying capacity of a district which through non-use or for other reasons is unassigned and so constitutes a forage reserve available for apportionment among the livestock owners of the district, as provided in § 72.7a. (R.S. 161, 465, secs. 6, 16, 17, 48 Stat. 986, 987, 988; 5 U.S.C. 22, 25 U.S.C. 9, 466, 476, 477)

§ 72.14 *Land management District No. 6*. Effective April 1, 1943, the regulations in this part shall not apply to Land Management District No. 6 as now established or hereafter established.

(R.S. 161, 465, sec. 6, 48 Stat. 986; 5 U.S.C. 22, 25 U.S.C. 9, 466)

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
APRIL 13, 1943.

[F. R. Doc. 43-6845; Filed, May 1, 1943; 9:41 a. m.]

TITLE 29—LABOR

Chapter IX—Agricultural Labor

PART 1102—SALARIES AND WAGES IN THE PRODUCTION OF ASPARAGUS

WORKERS IN CERTAIN CALIFORNIA COUNTIES

Section 1102.2 (8 F.R. 4818) is hereby amended as set forth below:

Paragraph (c) is revised and amended to read as follows:

- (c) *For washing and boxing*. (1) Hand washing, racking and boxing, No. 1 white, \$0.40 per cwt.
(2) Hand racking and washing, No. 1 green, \$0.55 per cwt.
(3) Machine washing, racking and boxing, No. 1 white, \$0.30 per cwt.
(4) Machine washing and racking, No. 1 green, \$0.40 per cwt.

Section 1102.3 is hereby amended to read as follows:

§ 1102.3 That any appeals for relief from hardships resulting from this determination and any applications for adjustment in such wages shall be filed by the employer with the Wage Board for California of the United States Department of Agriculture, 2288 Fulton Street, Berkeley, California, which Board, after conducting such investigation as may be required and reviewing such applications or appeals, shall have the authority to make such determinations as are consistent with the intent of this order. Each such ruling shall be final, subject only to the War Food Administrator's right of review on his own initiative. Any reversal or modification of such ruling by the War Food Administrator shall take effect from the date of its issuance; *Provided, however*, That if a ruling denying an application for permission to make a wage increase is overruled, the final ruling by the War Food Administrator shall incorporate the effective date of the adjustment.

This regulation shall become effective as of the day of May 1, 1943.

(Pub. Law 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; Regulations of the Director of Economic Stabilization, dated October 27, 1942, 7 F.R. 8748, as amended on November 30, 1942, 7 F.R. 10024; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

[SEAL]

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-6894; Filed, May 1, 1943; 4:51 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1756, Part II]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

ORDER GRANTING RELIEF

Opinion and order granting relief in the matter of the petition of District Board No. 1 for a change in seam designation and change of price classifications and minimum prices for the coals of the Lansberry #3 Mine (Mine Index No. 573) of Lansberry & Son, Abbie E.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on November 23, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 1. The petition requested that the seam designation for Lansberry #3 Mine (Mine Index No. 573) of Abbie E. Lansberry & Son in District 1 be changed from the C' seam to the B seam, that the price classification for rail shipment be changed from the "F" to "E", and that the effective minimum prices for truck shipment be uniformly increased 5 cents per net ton, in all size groups.¹

Pursuant to appropriate order, and after due notice to interested persons, a hearing in this matter was held on January 28, 1943, before D. C. McCurtain, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner and Bituminous Coal Consumers' counsel appeared. All parties waived the preparation and filing of a report by the Examiner, and the matter was thereupon submitted to me for consideration.

Abbie E. Lansberry & Son, a code member in District 1, operates the Lansberry #3 Mine (Mine Index No. 573) in Clearfield County, Pennsylvania, which is presently designated in Subdistrict No. 8, under Seam C', with a price classification of "F" for rail shipment in all size groups, and the following prices for truck shipment: \$2.65, \$2.40, \$2.40, \$2.30, and \$2.20 per net ton in Size Groups 1, 2, 3, 4, and 5, respectively.

J. N. Geyer, a technical adviser for District Board 1, and the only witness at the hearing, testified that the Lansberry #3 Mine was erroneously classified in the C' seam in General Docket No. 15 for the reason that at the time of the proposal of its classification, the code acceptance failed to specify the seam and the code member failed to file a questionnaire as to analyses. Subsequent investigation by representatives of the district board disclosed that the Lansberry #3 Mine adjoins the Lansberry #5 Mine (Mine Index No. 2336) and is in the same locality as the Woolridge #3 Mine (Mine Index No. 550) of the Woolridge Coal Company, both of which

are located in the "B" seam and produce cannel coal,² and that the Lansberry #3 Mine is actually operating in the same seam and producing cannel coal. In the opinion of the witness, the present lower classification and prices for the Lansberry #3 Mine afford it an unfair competitive advantage over adjoining mines and it should be classified in conformity with the effective minimum prices for analogous and comparable coals. The uncontroverted evidence establishes that the classifications and minimum f. o. b. mine prices for coals produced at the Lansberry #3 Mine, should be related to comparable, competitive coals, in order to reflect as nearly as possible the relative market value of the various sizes of coal produced at that mine, and to preserve as nearly as may be existing fair competitive opportunities among producers in District 1.

Moreover, the record does not disclose that any specific objection was expressed to the proposed reclassification.

I find, therefore, that such reclassification complies with the standards set forth in sections 4 II (a) and (b) of the Act, and is required to effectuate the purposes thereof.

It is, therefore, ordered, That § 321.7 (Alphabetical list of code members) and § 321.24 (General prices) be, and the same hereby are amended to include the seam designations, price classifications, and minimum prices for the Lansberry #3 Mine (Mine Index No. 573) of Abbie E. Lansberry & Son, as set forth in Supplements R and T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: April 16, 1943.

[SEAL]

DAN H. WHEELER,
Director.

PERMANENT SUPPLEMENT FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
573	Lansberry & Son, Abbie E.	Lansberry #3....	8	B...	Gray, Pa.....	NYC...	44	E	E	E	E	E

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdist. No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under slack	3/4" and under slack
						1	2	3	4	5
Lansberry & Son, Abbie E.....	573	Lansberry #3....	8	Clearfield.....	B...	270	245	245	235	225

[F. R. Doc. 43-6727; Filed, April 30, 1943; 11:08 a. m.]

[Docket No. A-1937]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for rail and truck shipments and changes

² The witness Geyer described cannel coal as a type of bituminous or semibituminous coal, formed from spore exines and from coniferous vegetation high in resin, producing a fine grain structure and peculiar burning characteristics.

¹ By order of the Director issued in Docket No. A-1756, dated December 21, 1942, 8 F.R. 338, that part of the proceeding relating to the Lansberry #3 Mine was severed and scheduled for hearing.

in shipping points for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and changes in the freight origin group numbers and the shipping points for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the freight origin group numbers and the shipping points appearing in the aforesaid Supplement R for mines mentioned therein are effective in place of the freight origin group numbers and the shipping points heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applica-

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

(Alphabetical listing of code members having railway leading facilities, showing price classifications by size group numbers)

Mine No. Index	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3838	Brubaker, L. E. (L. E. Brubaker Coal Co.)	Brubaker	E	Brockway, Pa.	PRR	120	(f)	(f)	G	(f)	(f)
3943	Burkhart, Roy C. (Burkhart Coal Co.)	Burkhart Coal Co. (s)	B	Dysart, Pa.	PRR	52	(f)	(f)	D	(f)	(f)
3935	Hanning, Fred W.	Pine Coal Co.	D	Wells Creek, Pa.	B&O	100	(f)	(f)	B	(f)	(f)
3965	Lamkie Brothers (W. H. Lamkie)	Lamkie #6	C	Glen Campbell, Pa.	PRR	50	(f)	(f)	G	(f)	(f)
3966	Mountain Fuel Company (Fred M. McIntyre)	Idabelle #2	E	Homer City, Pa.	PRR	81	(f)	(f)	G	(f)	(f)
3967	Pennsylvania Coal & Coke Corporation	Penn #17-D	D	Barnesboro, Pa.	PRR	50	E	E	E	E	E
2900	E. & R. Coal Co. (Paul B. Ross)	Miller (s)	E	Shelocks, Pa.	B&O	112	(f)	(f)	G	(f)	(f)
3200	Shirley, Luther (Shirley Bros. Coal Co. #1 & #2)	Lichtentels	E	Josephine, Pa.	PRR	64	(f)	(f)	H	(f)	(f)
1351	Spencer, Harlan	Fen	D	Walston, Pa.	B&O	112	(f)	(f)	E	(f)	(f)
589	Walker, Ray S. (Bradford Coal Co.)	Aurora #2	E	Shawsville, Pa.	NYC	44	(f)	(f)	E	E	E
3883	Walker, Ray S. (Bradford Coal Co.)	Aurora #4	D	Shawsville, Pa.	NYC	44	(f)	(f)	E	E	E
3957	Walker, Ray S. (Bradford Coal Co.)	Aurora #6	C	Shawsville, Pa.	NYC	44	(f)	(f)	F	(f)	(f)

Indicates no classifications and prices effective for these size groups.

Indicates change in shipping point.

Indicates change in F. O. G.

NOTE: The above prices are applicable only via the respective freight origin groups, shipping points and railroads shown for respective mines. Shipping points, railroads and freight origin groups previously assigned to these mines are hereby deleted.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and over	Run of mine, modified	2" and under slack	3" and under slack
Burkhart, Roy C. (Burkhart Coal Company)	3943	Burkhart Coal Co.	18	Cambria	B	(f)	(f)	230	(f)	(f)
Conklin, Milford	3954	Low Ash #1	8	Clearfield	A	(f)	(f)	230	(f)	(f)
Lamkie Brothers (W. H. Lamkie)	3965	Lamkie #6	23	Indiana	C	(f)	(f)	235	(f)	(f)
Mountain Fuel Company (Fred M. McIntyre)	3966	Idabelle #2	16	Cambria	D	(f)	(f)	245	245	235
Pennsylvania Coal & Coke Corporation	3967	Penn #17-D	18	Cambria	B	(f)	(f)	250	(f)	(f)
Swope, Lewis	3916	Swope #2	18	Cambria	B	(f)	(f)	250	(f)	(f)

Indicates no classifications and prices effective for these size groups.

[F. R. Doc. 43-6725; Filed, April 30, 1943; 11:09 a. m.]

(Docket No. A-1946)

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 and for changes in shipping points for certain other mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for changes in shipping points for certain other mines in District No. 1; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: April 20, 1943.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions, contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
15	Apple Coal Company (Howard Apple)	Apple #2	18	D	Fallen Timber, Pa. 1	PRR	52	G	(†)	G	(†)	G
2956	Bailey, Robert	Gray Hollow	8	B	Graham, Pa. 1	PRR	45	(†)	(†)	E	(†)	(†)
3182	Beam, Charles W.	Susan #1	8	B	Mowry, Pa. 1	NYC	44	(†)	(†)	E	(†)	(†)
2306	Brothers Valley Coal Company	Klotz	37	D	Somerset, Pa. 1	B&O	100	(†)	(†)	B	(†)	(†)
1969	Brothers Valley Coal Company	Phillippi	37	D	Somerset, Pa.	B&O	100	(†)	(†)	B	(†)	(†)
3894	Brothers Valley Coal Company	Reed #2	37	E	Somerset, Pa.	B&O	100	(†)	(†)	E	(†)	(†)
1269	Davis, Hazel M. (Mrs.)	Hoffman	36	E	Somerset, Pa.	B&O	100	E	(†)	E	E	(†)
1331	Emery Brothers (Haven Emery)	Emery Brothers	5	D	Fuller, Pa.	PRR	122	(†)	(†)	E	(†)	(†)
3974	Holsopple, D. B. (Pretoria Coal Co.)	Stoystown #10	37	B	Kantner (Stoystown), Pa.	B&O	100	(†)	(†)	F	(†)	(†)
3975	Johnson, Alf T.	Mardon #2	26	B	Twin Rocks, Pa.	PRR	53	(†)	(†)	C	(†)	(†)
3976	Kenbrook Coal Company	Kenbrook #2	4	A	Sligo, Pa.	PRR	90	G	G	G	H	H
3869	Lyda, W. J. (Lyda Coal Co.)	Lyda #3	22	Pgh.	Smith, Pa. 1	PRR	82	(†)	(†)	E	(†)	(†)
3977	Lyda, W. J. (Lyda Coal Co.)	Lyda #4	22	Pgh.	Smith, Pa.	PRR	82	(†)	(†)	E	(†)	(†)
3978	Lyda, W. J. (Lyda Coal Co.)	Lyda #5	22	Pgh.	Smith, Pa.	PRR	82	(†)	(†)	E	(†)	(†)
3979	Lyda, W. J. (Lyda Coal Co.)	Lyda #6	22	Pgh.	Smith, Pa.	PRR	82	(†)	(†)	E	(†)	(†)
3980	Lyda, W. J. (Lyda Coal Co.)	Lyda #7	22	Pgh.	Smith, Pa.	PRR	82	(†)	(†)	E	(†)	(†)
3981	Miller, William	Miller #3	5	D	Knoxdale, Pa.	P&S	119	(†)	(†)	E	(†)	(†)
2971	Scott, Carl E.	Scott Mines	22	E	Shelock, Pa.	B&O	112	(†)	(†)	F	(†)	(†)
2972	Smith, J. I. (Pennsylvania Coal Co.)	B. & R.	18	C	Dysart, Pa. 1	PRR	52	(†)	(†)	E	(†)	(†)
917	Steell, E. V.	Kinnear #1	5	D	Stanton, Pa. 1	P&S	119	E	E	E	E	E
873	Steell, E. V.	Kinnear #2	5	D	Stanton, Pa. 1	P&S	119	E	E	E	E	E
2261	Woodling, P. M.	Woodling's	9	C	Karthauss, Pa.	NYC	44	(†)	(†)	E	(†)	(†)

†Indicates no classifications or prices effective for these size groups.

†Indicates change in shipping point.

NOTE: The above classifications are applicable only via the respective freight origin groups, shipping points, railroads and railroad fuel groups shown for these mines. Freight origin groups, shipping points, railroads and railroad fuel groups heretofore shown are hereby deleted.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under, slack	3/4" and under, slack
Gavazzi, Nello	3890	Gavazzi	2	Elk	C'	(†)	(†)	230	(†)	(†)
Holsopple, D. B. (Pretoria Coal Co.)	3974	Stoystown #10	37	Somerset	B	(†)	(†)	240	(†)	(†)
Johnson, Alf T.	3975	Mardon #2	26	Cambridge	B	(†)	(†)	255	(†)	(†)
Kenbrook Coal Company	3976	Kenbrook #2	4	Clarion	A'	260	235	235	220	210
Lyda, W. J. (Lyda Coal Co.)	3977	Lyda #4	22	Indiana	Pgh.	(†)	(†)	245	(†)	(†)
Lyda, W. J. (Lyda Coal Co.)	3978	Lyda #5	22	Indiana	Pgh.	(†)	(†)	245	(†)	(†)
Lyda, W. J. (Lyda Coal Co.)	3979	Lyda #6	22	Indiana	Pgh.	(†)	(†)	245	(†)	(†)
Lyda, W. J. (Lyda Coal Co.)	3980	Lyda #7	22	Indiana	Pgh.	(†)	(†)	245	(†)	(†)
Miller, William	3981	Miller #3	5	Jefferson	D	(†)	(†)	245	(†)	(†)
Schmader Coal Company	3982	Schmader #2	1	Clarion	A'	260	235	235	225	215
Shriver & Drummond	3983	Shriver & Drummond	43	Allegheny	B. V.	(†)	(†)	260	(†)	(†)

†Indicates no classifications or prices effective for these size groups.

[F. R. Doc. 43-6726; Filed, April 30, 1943; 11:09 a. m.]

[Docket No. A-1925]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting additional shipping points, changes in shipping points, railroads and freight origin groups for certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 322.7 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 322.9 (Special prices—(c) Railroad fuel) is amended by adding thereto Supplement R-II, and § 322.9 (Special prices—(a) Vessel fuel (bunker)—lakes, for any size coal) is amended by adding thereto Supplement R-III, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith the shipping points, railroads and freight origin groups shown therein shall be effective in place of those formerly established for those mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered, except, however, that the shipping point at Monaca, Pennsylvania, for Mine Index No. 785 shall be effective only until November 1, 1943, and that the shipping point at Crystal, Pennsylvania, for Mine Index No. 380 shall be effective only for a period of 150 days from the date of this order.

Dated: April 14, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway leading facilities, showing price classification by size group Nos.]

Mine index number	Code member	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
932	Bisco Coal Company	Wilton	U. Kittanning	1	Butler, Pa.	PRR-B&E	23	E	E	D	D	C	C	D	D	D	(f)	(f)	(f)	(f)	(f)	(f)	(f)
67	Frick Coke Company, H. C.	Filbert	Pittsburgh	3	Fairbank, Pa.	Mongh	30	E	E	C	C	B	B	C	C	C	(f)	(f)	(f)	(f)	C	C	C
2170	Frick Coke Company, H. C.	Palmer Mine	Pittsburgh	3	New Salem, Pa.	Mongh	30	E	E	C	C	B	B	C	C	C	(f)	(f)	(f)	(f)	C	C	C
3080	Hays, Jess A.	Jess A. Hays (S)	Pittsburgh		Antonia, Pa.	PRR	74	(f)	(f)	(f)	(f)	(f)	(f)	E	E	E	(f)	(f)	(f)	(f)	(f)	(f)	(f)
380	Pennsylvania Coal Company (Meyers Nobel)	Sturges #2	Pittsburgh	3	Shawsiding, Pa.	PRR	114	(f)	(f)	(f)	(f)	(f)	(f)	E	E	E	(f)	(f)	(f)	(f)	(f)	(f)	(f)
262	Rae, Jean Ellen	Rae-Kol #1	Brookville	1	Sackett, Pa.	B&O	100	(f)	(f)	F	F	F	F	G	G	G	(f)	(f)	(f)	(f)	(f)	(f)	(f)
765	Shane Brothers (Frederick H. Shane)	Shane Bros.	U. Freeport	1	Crystal, Pa.	B&O	134	D	D	C	C	F	F	G	G	G	(f)	(f)	(f)	(f)	(f)	(f)	(f)
2049	Snyder, George B. (George B. Snyder Coal Co.)	Snyder #2	Pittsburgh	6	Stonesboro, Pa.	NYC	10	G	G	G	G	H	H	G	G	G	(f)	(f)	(f)	(f)	(f)	(f)	(f)
					Houston Junction (Jackson Center), Pa.	PRR																	
					Josephstown, Pa.	P&LE																	
					Monaca, Pa.	P&LE																	
					Wilpen, Pa.	Leg. Val.																	

† Indicates no classification for these size groups.

‡ Indicates change in shipping points.

§ Indicates change in freight origin group numbers.

NOTE: The above classifications are applicable only via the respective freight origin groups, shipping points, railroads and railroad fuel groups shown for these mines. Freight origin groups, shipping points, railroads and railroad fuel groups heretofore shown are hereby deleted.

§ 322.9 Special prices—(c) Railroad fuel—Supplement R-II

NOTE: In § 322.9 (c) in Minimum Price Schedule No. 1, add the Mine Index numbers in groups shown: Group No. 1, 3080; Group No. 2, 788; Group No. 6, 380; Group No. 7, 67, 2170; Group No. 14, 2049; Group No. 15, 952; Group No. 19, 262.

§ 322.9 Special prices—(a) Vessel fuel (bunker)—lakes, for any size coal—Supplement R-III

NOTE: In § 322.9 (a) in Minimum Price Schedule No. 1 add the following:

LAKE ERIE PORTS

Freight origin group Nos.	Ashtabula	Buffalo	Cleveland	Conneaut	Erie	Fairport	Huron	Lorain	Sandusky	Toledo
53	285	275	275	305	260	260	228	250	304	275

LAKE ONTARIO PORTS

Freight origin group Nos.	Cape Vincent	Charlotte	Clayton	Oswego	Sodus Point
53	283	282	283	250	260

NOTE: All mines in Freight Origin Group No. 53 will take the same necessary or permissible adjustments into Market Areas Tidewater, 1, 2, 4, 6, 10, 12, 16, 100, Lake Erie and Lake Ontario as Freight Origin Group No. 24; into Market Areas 1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

[F. R. Doc. 43-6729; Filed, April 30, 1943; 11:08 a. m.]

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith § 322.7 (Alphabetical list of code members), is amended by adding thereto Supplement R-I, and § 322.9 (Special prices—(c) Railroad fuel) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the freight origin group numbers and the shipping points appearing in the aforesaid Supplement R-I for mines

[Docket No. A-1952]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for rail shipments and changes in shipping points for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals and changes in the freight origin group numbers and the shipping points for the coals of certain mines in District No. 2; and

NOTE: The temporary shipping point established for Mine Index No. 785 at Monaca Pennsylvania, for a period of 180 days in Docket No. A-1700, is extended to November 1, 1943. Crystal, Pennsylvania, is established as a temporary shipping point for Mine Index No. 380, for a period of 5 months.

mentioned therein are effective in place of the freight origin group numbers and the shipping points heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petition in

the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

§ 322.7 Alphabetical list of code members—Supplement R-I

(Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers)

Mine index No.	Code member	Mine name	Seam	Sub- dis- trict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1844	Jacobs, S. Isaac	Newcomer #2	Sewickley	3	Newcomer, Pa.	B&O PRR	114	J	J	H	H	H	H	H	H	H	H	(f)	(f)	(f)	(f)	(f)	(f)
2267	McKetta Coal Co. (John McKetta, Sr.)	McKetta (s&d)	Pittsburgh	9	Yukon, Pa. Wyan, Pa.	PRR PRR	74	D	D	C	C	C	C	C	C	C	C	(f)	(f)	(f)	(f)	(f)	(f)
961	Sholtis, Frank (Sycamore Coal Co.)	Hope #2	Sewickley	3	Hope Siding, Pa. Fairchance, Pa.	B&O PRR	114	J	J	H	H	H	H	H	H	H	H	(f)	(f)	(f)	(f)	(f)	(f)
2482	Sholtis, George	Sholtis (s)	Sewickley	3	Shaw Mine Siding, Pa. Fairchance, Pa.	B&O PRR	114	J	J	H	H	H	H	H	H	H	H	(f)	(f)	(f)	(f)	(f)	(f)
670	Solar Fuel Company	Alice	Pittsburgh	7	Wyle, Pa. Clairton, Pa.	Union P&WV												(f)	(f)	(f)	(f)	(f)	(f)
670	Solar Fuel Company	Alice	Pittsburgh	7	Camden Wharf	P&WV	66	(f)	C	C	C	C	C	C	C	C	C	(f)	(f)	(f)	(f)	(f)	(f)
2453	Thornbottom Coal & Coke Company (Thomas P. Ruane).	Thornbottom (s)	Pittsburgh	3	Bitner Colliery, Pa. Vance Mill Junction, Pa.	Monon. River PRR		(f)	C	C	C	C	C	C	C	C	C	(f)	(f)	(f)	(f)	(f)	(f)
						PRR	31	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)

† Indicates no classifications or prices effective for these size groups.

* Indicates change in shipping point.

‡ Indicates change in freight origin group number.

NOTE: In § 322.9 (c) in Minimum Price Schedule No. 1, add the mine index numbers in groups shown; Group No. 1: 2267; Group No. 2: 670; Group No. 6: 2453; Group No. 8: 961, 1844, 2482. [F. R. Doc. 43-6728; Filed, April 30, 1943; 11:10 a. m.]

§ 322.9 Special prices—(c) Railroad fuel—Supplement R-II

NOTE:—The above prices are applicable only via the respective freight origin groups, shipping points, railroads and railroad fuel groups shown for the respective mines. Freight origin groups, shipping points, railroads and railroad fuel groups shown in previous schedules are hereby deleted.

(Docket No. A-1468)

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF

Order of the Director in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

Upon the basis of the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that request was made for the amendment of the schedules of effective minimum prices for District No. 3 to include a price in construction with respect to mixtures of coals, and pursuant to section 4 II (d)

and other provisions of the Bituminous Coal Act of 1937;

It is hereby ordered, That effective as of the date hereof § 323.1 (*Price instructions and exceptions—(a) Price instructions*) and § 323.21 (*Price instructions and exceptions—(a) Price instructions*) are amended by adding thereto the following:

When coals of different price classifications or minimum prices are mixed, the classification and minimum price applicable to such mixture shall be the same as that of the coal contained in the mixture having the highest price classification or minimum price unless, after hearing, a special price classification or minimum price is established for such mixture. When such mixture is sold, the invoices shall properly identify the coal.

Dated: April 29, 1943.

(SEAL)

DAN H. WHEELER,

Director.

[F. R. Doc. 43-6730; Filed, April 30, 1943; 11:10 a. m.]

(Docket No. A-1945)

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices and for a change in shipping point for Mine Index No. 235.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines and for a change in the rail shipping point of Mine Index No. 235 in District No. 9; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the

temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: April 21, 1943.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 Alphabetical list of code members—Supplement R

Mine Index No.	Producer	Mine	Seam	Freight origin group	Shipping point	Railroad
235	Economy Coal Co.	Economy	6	30	Empire Mine	L&N.
1083	Harvey, George W.	Seminole	Stray	40	Nortonville	IC-L&N.
1081	Smith & Stokes (Stanley T. Stokes)	Blue Valley No. 11	11	10	Madisonville	IC.
1082	Smith & Stokes (Stanley T. Stokes)	Blue Valley No. 12	12	10	Madisonville	IC.
1080	Steele & Steele	Beech Grove	9	10	Greenville	IC.
1079	Vincent, Jim R.	Isbell #2	9	10	Greenville	IC.

The f. o. b. mine prices for coal shipped by Mine Index Nos. 235, 1083, 1081, 1082, 1080, 1079 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Co., Mine Index No. 1, in Price Schedule No. 1 for District No. 9, For All Shipments Except Truck.

¹Shipping Point, Mannington, Ky., is no longer applicable.

FOR TRUCK SHIPMENTS

§ 329.24 General prices in cents per net ton for shipment into any market area—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																					
				1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29				
HOFFINS COUNTY																									
Harvey, George W.	1083	Seminole....	Stray	210	200	190	180	175	165	165	155	145	115	55	---	---	---	---	---	---	---	---	---	125	120
Smith & Stokes (Stanley T. Stokes)	1081	Blue Valley #11.	#11....	210	200	190	180	175	165	165	155	145	115	55	---	---	---	---	---	---	---	---	---	125	120
Smith & Stokes (Stanley T. Stokes)	1082	Blue Valley #12.	#12....	210	200	190	180	175	165	165	155	145	115	55	---	---	---	---	---	---	---	---	---	125	120
MUHLENBERG COUNTY																									
Steele & Steele.....	1080	Beech Grove	#9.....	210	200	190	180	175	165	165	155	145	115	55	---	---	---	---	---	---	---	---	---	125	120
Vincent, Jim R.....	1079	Isbell #2.....	#9.....	210	200	190	180	175	165	165	155	145	115	55	---	---	---	---	---	---	---	---	---	125	120
OHIO COUNTY																									
Gentry, S. T.....	1072	Gentry.....	Stray...	210	200	190	180	175	165	165	155	145	115	55	---	---	---	---	---	---	---	---	---	125	120

[F. R. Doc. 43-6731; Filed, April 30, 1943; 11:10 a. m.]

[Docket No. A-1935]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT No. 11

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief

No. 87—3

in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for Mine Index No. 1032.

An original petition, and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937,

having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the New North Mine, Mine Index No. 1032 of W. E. Callahan Construction Company and Grafe Coal Company, in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, and § 331.9 (*Adjustments in f. o. b. mine prices*) is amended by adding thereto Supplement R-II, which supplements are attached hereto and made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The original petition as amended requests that, because of freight rate differences, minimum price deductions of 32, 32, 32, 0 and 0 cents per ton be established for rail shipments of the coals of this mine to Carbon, Catlin, Fontanet, Mecca and Veedersburg, Indiana, respectively. However, the records of the Division indicate that the base freight rate differences to Carbon, Catlin, Fontanet, Mecca and Veedersburg, Indiana, are 22, 22, 22, 22 and 10 cents per ton, respectively; these freight rate differences have been utilized as a basis for the establishment of the price adjustments for this mine.

Dated: April 29, 1943.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 Alphabetical list of code members—Supplement R-I

Mine index No.	Code member	Mine	Seam	Sub-district	Freight origin group	Price group	Shipping point	Rail-road
1032	Callahan, W. E., Construction Co. & Grafe Coal Co.	New North.	B...	BO...	35	15	Brazil, Ind.	B&O.

Mine Index No. 1032 shall be included in Price Group No. 15 and shall take the same f. o. b. mine prices as other mines in Price Group No. 15 in Price Schedule No. 1, District No. 11, For All Shipments Except Truck.

Mine Index No. 1032 shall be accorded the same prices for railroad locomotive fuel as are shown for Mine Index No. 79 for the B&O Railroad, in § 331.10 in Minimum Price Schedule No. 1, District No. 11, For All Shipments Except Truck; for off-line railroad locomotive fuel, Mine Index No. 1032 shall be accorded the same prices as are shown for Mine Index Nos. 14 and 24 in § 331.10 in Minimum Price Schedule No. 1, District No. 11, except that for shipment to the Grand Trunk Western Railway, the price for delivery at Haskells, Indiana shall be 144.3, based upon a delivered price of \$2.65 less a freight rate division of 120.7.

On shipments from this mine, the adjustments in f. o. b. mine prices, on account of differences in freight rates, as shown in Schedules No. 1 and No. 2 hereof, shall apply.

SCHEDULE NO. 1

§ 331.9 Adjustments in f. o. b. mine prices—Supplement R-II.

[Deductions for freight rate differences, applicable to certain market areas]

Market area No.	Destination Group No.	Amount of deduction
21	None.	
22	None.	
23	None.	
24	None.	
25	None.	
	1 14.	
	2 28.	
26	3 3.	
	4 17.	
	5 None.	
27	None.	
28	None.	
	1 None.	
	2 See Schedule No. 2.	
30	3 None.	
	4 None.	
	5 None.	
31	See Schedule No. 2.	
32	See Schedule No. 2.	
33	10.	
34	22.	
35	None.	
36	None.	
37	None.	
38	None.	
39	None.	
	1 35.	
	2 30.	
	3 27.	
	4 24.	
41	5 See Schedule No. 2.	
	6 15.	
	7 See Schedule No. 2.	
	8 5.	
	9 See Schedule No. 2.	
42	1 10.	
	2 5.	
49	As shown in price schedule for B. C. Mines.	
67	As shown in price schedules for B. C. Mines.	

¹ See price instruction and Exception No. 6, Price Schedule No. 2, for freight rate differences for mines in Price Groups Nos. 15-16-17.

SCHEDULE NO. 2

[Deductions for freight rate differences to each destination shown]

Destination	Amount of deduction
Market Area No. 30—Destination Group No. 2:	
Brooklyn	18
Brownstown	35
Corydon Junction	39
Helmsburg	5

SCHEDULE NO. 2—continued

[Deductions for freight rate differences to each destination shown]

Destination	Amount of deduction
Market Area No. 32—Continued.	
Oolitic	10
Orleans	10
Otterbein	0
Oxford	0
Paoli	20
Princeton	50
Putnamville	15
Rockport	50
Sanders	0
Spencer	33
Switz City	37
Tell City	50
Veedersburg	10
Victor	15
Vincennes	37
Wadesville	50
Washington	37
Waynetown	0
West Baden	25
West Clinton	32
West Lebanon	0
West Terre Haute	32
Williamsport	0
Winslow	50

¹ The f. o. b. mine price shall be increased by the amount shown.

Market Area No. 41:

Destination group	Destination	Amount of deduction
5	Batavia	20
	De Kalb	24
	All other destinations	20
7	Freeport	27
	Rockford	27
	All other destinations	10
9	Elgin	10
	All other destinations	0

[F. R. Doc. 43-6732; Filed, April 30, 1943; 11:11 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 58]

PART 802—GENERAL LICENSES

IN TRANSIT LICENSES

Paragraph (d) of § 802.9 *General in transit licenses*¹ is hereby amended by inserting in the fifth line thereof between the words "except" and "GIT-A/A" the words "GIT-C/V".

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 30, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-6814; Filed, May 1, 1943; 9:10 a. m.]

¹ 8 F.R. 1549, 2187, 2966, 3160, 4397.

[Amendment 59]

PART 802—GENERAL LICENSES

COUNTRY GROUPS

In paragraph (a) of § 802.3 *General license country groups*¹ the effective date of Amendment No. 57, published April 22, 1943, 8 F.R. No. 79, page 5304, is hereby changed from May 15, 1943 to May 20, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 30, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-6815; Filed, May 1, 1943;
9:10 a. m.]

[Amendment 60]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations*² is hereby amended in the following particulars:

In the column headed "Shipping priority rating" the shipping priority rating assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby deleted and in the column headed "General license group" the group designation assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby amended to read as follows:

Commodity	Department of Commerce no.	General license group
Unfilled glass containers (including used): Pharmaceutical and proprietary ware, including prescription bottles, ampoules, and vials.....	5232.00	C

Shipments of commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective May 15.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order

¹ 8 F.R. 1549, 1674, 1938, 3082, 3390, 3574, 4293, 4397, 4398, 4756, 5143, 5304.

² 8 F.R. 1494, 1616, 1709, 1879, 2146, 2187, 2327, 2415, 2749, 2773, 2966, 3082, 3160, 3514, 3969, 4398, 5304.

3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 30, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-6816; Filed, May 1, 1943;
9:10 a. m.]

[Amendment 61]

PART 802—GENERAL LICENSES

IN TRANSIT LICENSES

Paragraph (d) of § 802.9 *General in transit licenses*¹ is hereby amended by adding to the list of commodities set forth therein the following:

Commodity	Schedule B No.
Babbitt.....	6620.00
Brass & bronze.....	6440.00 thru 6479.98
Copper.....	6425.00 thru 6439.98
Gold manufactures.....	6997.00
Magnesium powder.....	6691.01
Manganese.....	6645.40 and 6649.40
Nickel silver.....	6610.00
Nichrome wire.....	6630.00
Platinum.....	6929.05 and 6929.98
Radium, metal.....	6649.50
Tin.....	6565.09 and 6565.98
Zinc dust.....	6586.00
Zinc manufactures.....	6589.01 thru 6589.98

In transit shipments of the commodities set forth in this amendment which are physically within the United States prior to the effective date of this amendment may be exported under the previous general license provision.

This amendment shall become effective May 15.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 30, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-6817; Filed, May 1, 1943;
9:11 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 20]

ANTHRACITE COAL IN CARS ON TRACK

§ 903.32 *Directive 20*. Pursuant to Executive Orders 9024 and 9040, it is hereby certified that it is necessary in the public interest and to promote the defense of the United States that the transportation and delivery of anthracite coal be regulated in such manner as to give full effect to War Production Board Order No. M-318 which has been issued this day.² The Office of Defense Trans-

¹ 8 F.R. 1549, 2187, 2966, 3160, 4397.

² *Infra*.

portation is hereby authorized and directed to take such action as may be appropriate in the premises.

Issued this 1st day of May 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-6868; Filed, May 1, 1943;
4:09 p. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-297]

PENNSYLVANIA INDEPENDENT OIL CO.

Pennsylvania Independent Oil Company, Twelfth and Liberty Streets, Allentown, Pennsylvania is engaged in the marketing of motor fuel. From March 19 to March 31, during the months of April, May and June, and from July 1 to July 21, 1942, Pennsylvania Independent Oil Company made deliveries of approximately 514,408 gallons of motor fuel to twenty-five service stations owned and operated by it in excess of the amounts permitted to be delivered in accordance with the provisions of Limitation Order L-70. Although the Pennsylvania Independent Oil Company was familiar with the provisions of Limitation Order L-70, it failed during that period to establish quotas for deliveries of motor fuel to its service stations, and its violations of Limitation Order L-70 were committed, therefore, with such reckless disregard of the order as to be considered wilful.

Even though it has been determined that, because of its particular history of business operations, the Company should receive certain equitable adjustments which reduce in part the above-stated excess deliveries, the Pennsylvania Independent Oil Company has made such substantial over-deliveries of motor fuel in wilful violation of Limitation Order L-70 as to have hampered and impeded the war effort of the United States.

In view of the foregoing facts, it is hereby ordered, That:

§ 1010.297 *Suspension Order S-297*. (a) During each of the months of May, June and July, 1943, the Pennsylvania Independent Oil Company, its successors and assigns, shall make no deliveries of motor fuel, as defined in Limitation Order L-70, to each of its following twenty-five service stations in excess of fifty per cent of the motor fuel sold by each service station during the month of March 1943, nor shall said service stations accept delivery of any motor fuel in excess of that amount:

1333 North 19th Street, Allentown, Pa.
42 West 21st Street, Northampton, Pa.
203 Broadway, Bethlehem, Pa.

3d and Gordon Streets, Allentown, Pa.
 17th and Tilghman Streets, Allentown, Pa.
 12 East Main Street, Emmaus, Pa.
 135 Bankway, Lehigh, Pa.
 Phila. Pike and Milford Square Road,
 Quakertown, Pa.
 Front and Ferry Streets, Easton, Pa.
 12th and Liberty Streets, Allentown, Pa.
 233 South Reading Avenue, Boyertown, Pa.
 28 Washington Avenue, Souderton, Pa.
 2520 Butler Street, Easton, Pa.
 718 South Main Street, Bangor, Pa.
 Delaware Avenue and State Street, Port-
 land, Pa.
 Park Avenue and Diamond Street, Sellers-
 ville, Pa.
 108 Railroad Avenue, Lansdale, Pa.
 190 Main Street, Stroudsburg, Pa.
 631 North Courtland Street, East Strouds-
 burg, Pa.
 4th and Linden Streets, Allentown, Pa.
 South Main and Easton Road, Nazareth,
 Pa.
 Broadway and Parkside Avenue, Wind Gap,
 Pa.
 121 West Union Street, Bethlehem, Pa.
 Lehigh Avenue, Mauch Chunk, Pa.
 2d and Broad Streets, Quakertown, Pa.

(b) During the months of May, June and July 1943, the Pennsylvania Independent Oil Company, its successors and assigns, shall not accept delivery of any motor fuel, as defined in Limitation Order L-70, from any source in excess of fifty per cent of the amount received by it from its suppliers during the month of March 1943.

(c) Nothing contained in this order shall be deemed to relieve the Pennsylvania Independent Oil Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

Issued this 30th day of April 1943.

WAR PRODUCTION BOARD,
 By J. JOSEPH WHELAN,
 Recording Secretary.

[F. R. Doc. 43-6761; Filed, April 30, 1943;
 12:32 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-308]

OIL WELL AND ALL'S WELL CORP.

Oil Well and All's Well Corporation, 253 Sunrise Highway, Rockville Centre, New York, is a marketer of motor fuel in the Long Island, New York area. During the months of April, May, June and from July 1 to July 22, 1942, Oil Well and All's Well Corporation delivered to twenty-two service stations owned and operated by it approximately 250,000 gallons of motor fuel in excess of the amounts permitted to be delivered by the provisions of Limitation Order L-70. During that period, Oil Well and All's Well Corporation was fully aware of the provisions of Limitation Order L-70, but it did not establish any monthly quotas for deliveries to its service stations until the end of June 1942, and thereafter made upward adjustments which were unreasonably excessive and which were based in part upon unjustifiable factors. It has been determined that the Corporation was entitled to upward adjustments of quota under paragraph (e) of Limita-

tion Order L-70 amounting to a total of approximately 145,000 gallons, leaving the total unjustified excess deliveries made by it at 250,000 gallons, or 48 per cent in excess of quota.

These excess deliveries were made with such reckless indifference to the meaning and application of Limitation Order L-70 as to constitute wilful violations thereof. These violations have hampered and impeded the war effort of the United States by diverting motor fuel in a manner unauthorized by the War Production Board. In view of the foregoing facts, it is hereby ordered, That:

§ 1010.308 Suspension Order S-308.

(a) During each of the months of May, June, July and August 1943, neither Oil Well and All's Well Corporation nor its successors or assigns shall make deliveries of motor fuel, as defined in Limitation Order L-70, to any of the following service stations in excess of 50 per cent of the amount of motor fuel delivered by it to those service stations during the month of March, 1943, and no one of those service stations shall accept the delivery of motor fuel in excess of that amount:

Prospect & South Franklin Streets, Hempstead, New York; Broadway & East John Street, Hickville, New York; Smith Court & Bedford Avenue, Bellmore, New York; Sunrise Highway & South Ocean Avenue, Freeport, New York; Nassau Road & Pennywood Avenue, Roosevelt, New York; Jericho Turnpike & Horton Highway, Mineola, New York; Lake View Avenue & Woodfield Road, Lakeview, New York; Glen Cove Avenue & Continental Place, Glen Cove, New York; 307 West Main Street, Bay Shore, New York; Sunrise Highway & Second Street, Valley Stream, New York; New York & Hillside Avenue, Huntington, New York; Hempstead Turnpike & Evans Avenue, Elmont, New York; Millard Avenue & Little Eastneck Road, Babylon, New York; Long Beach Road & Merle Avenue, Oceanside, New York; Nassau Road & Centennial Avenue, Roosevelt, New York; Vernon & Fulton Streets, Farmingdale, New York; New York & Stewart Avenues, Huntington, New York; Green Avenue & Montauk Highway, Sayville, New York; Jericho Turnpike, Smithtown Branch, New York; Prospect & Union Avenues, Westbury, New York; Warren & Nassau Boulevards, Munson Park, New York; Sagamore & Long Beach Roads, Island Park, New York.

(b) During each of the months of May, June, July and August 1943, neither Oil Well and All's Well Corporation nor its successors or assigns shall accept the delivery of motor fuel, as defined in Limitation Order L-70, from its suppliers in excess of 50 per cent of the amount received from them during the month of March 1943.

(c) Nothing contained in this order shall relieve Oil Well and All's Well Corporation, its successors or assigns, from any restriction, prohibition or provision of any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

Issued this 30th day of April 1943.

WAR PRODUCTION BOARD,
 By J. JOSEPH WHELAN,
 Recording Secretary.

[F. R. Doc. 43-6762; Filed, April 30, 1943;
 12:32 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-312]

MUTUAL OIL CO.

Mutual Oil Company, 925 12th Street, N. W., Birmingham, Alabama, is engaged in the marketing of motor fuel. During the months of August, September, October and November 1942, Mutual Oil Company delivered to six service stations owned and operated by it approximately 135,100 gallons of motor fuel in excess of the amount permitted to be delivered by the provisions of Limitation Order L-70, as amended July 18, 1942. Throughout that period, Mutual Oil Company failed to establish quotas for deliveries of motor fuel to its service stations. The failure of Mutual Oil Company to acquaint itself during that period with the restrictions set forth in Limitation Order L-70 upon its business was such reckless conduct as to be deemed wilful.

These violations have hampered and impeded the war effort of the United States by diverting motor fuel in a manner unauthorized by the War Production Board. In view of the foregoing facts, it is hereby ordered, That:

§ 1010.312 Suspension Order 312.

(a) During each of the months of May, June, July and August 1943, neither Mutual Oil Company nor its successors or assigns shall deliver to any of its following service stations any motor fuel, as defined in Limitation Order L-70, in excess of 80 per cent of the average of the monthly deliveries made from December 1, 1942 through March 31, 1943 by Mutual Oil Company to each such service station, and each of these service stations shall not accept the delivery of any motor fuel in excess of that amount.

Attalla, Ala.	Fort Payne, Ala.
Gadsden, Ala.	Anniston No. 1, Ala.
Opelika, Ala.	Anniston No. 2, Ala.

(b) Nothing contained in this order shall be deemed to relieve Mutual Oil Company, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

Issued this 30th day of April 1943.

WAR PRODUCTION BOARD,
 By J. JOSEPH WHELAN,
 Recording Secretary.

[F. R. Doc. 43-6763; Filed, April 30, 1943;
 12:32 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-304]

S. WEISBROD LAMP AND SHADE COMPANY

Samuel Weisbrod and Molly Weisbrod, d/b/a S. Weisbrod Lamp and Shade Company, a partnership, in Philadelphia, Pennsylvania, are engaged in the production of lamp shades. During the period of March 24, 1942, to December 31, 1942, they accepted delivery of approximately 14,943 metal lamp shade frames in excess of the number of lamp shades

which they were permitted to manufacture during the said period under their quota set forth in General Limitation Order L-33. During this period, Samuel Weisbrod was familiar with the provisions of General Limitation Order L-33, and the acceptance of delivery of the excess number of metal lamp shade frames as aforesaid constituted a wilful violation of that order. Subsequent to March 24th, Samuel Weisbrod and Molly Weisbrod entered into an agreement with the Albe Lamp and Shade Company whereby they acquired for their use and did utilize 13,857 additional lamp shades as part of the quota of the Albe Company. This assignment was made for the purpose of evading their quota restrictions under General Limitation Order L-33 and constituted a wilful violation of Priorities Regulation No. 7-A with which they were or should have been familiar.

These wilful violations of General Limitation Order L-33 and Priorities Regulation No. 7-A have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered, That:*

§ 1010.304 *Suspension Order No. S-304.* (a) Samuel Weisbrod and Molly Weisbrod, individually or d/b/a S. Weisbrod Lamp and Shade Company, or otherwise, their successors and assigns, are hereby prohibited, directly or indirectly, from using any metal in the manufacture, processing or assembly of lamp shades (as said terms are defined in General Limitation Order L-33) without written authorization of the War Production Board.

(b) No person, firm or corporation, shall directly or indirectly sell or deliver to Samuel Weisbrod and Molly Weisbrod, individually or d/b/a S. Weisbrod Lamp and Shade Company, or otherwise, their successors and assigns, any metal, wire or wire frames, without written authorization of the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Samuel Weisbrod and Molly Weisbrod, individually or d/b/a S. Weisbrod Lamp and Shade Company, or otherwise, their successors and assigns from any restriction, prohibition or provision of any order or regulation of the War Production Board, excepting in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 3, 1943, and shall expire on August 3, 1943, at which time it shall have no further force or effect.

Issued this 1st day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-6833; Filed, May 1, 1943;
11:35 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-305]

JAY JAFFEE

Jay Jaffee, Jonestown, Pennsylvania, is the owner of a one-half fee simple interest in a farm located on Pennsyl-

vania Route 343 between Lickdale and the Indiantown Gap Army Reservation in Lebanon County, Pennsylvania. Subsequent to July 23, 1942 and prior to September 7, 1942 he began construction on the remodeling of a farm house on the aforementioned property at an estimated cost in excess of \$500, without specific authority from the War Production Board. Subsequent to December 5, 1942 he began construction, or permitted construction to begin for his benefit, on the remodeling of a barn on the above mentioned property into a building to be used as an amusement arcade and for the sale of supplies and food, at an estimated cost in excess of \$200, without specific authority from the War Production Board. Prior to the beginning of construction on the above two buildings, Jay Jaffee had knowledge of the provisions of Conservation Order L-41 restricting construction and knew that the proposed constructions exceeded said restrictions. The beginning of construction on the two buildings, as aforesaid, constituted wilful violations of Conservation Order L-41.

These violations of Conservation Order L-41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.305 *Suspension order No. S-305.* (a) Neither Jay Jaffee nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any manner secure or use material or construction plant in order to begin construction or to continue construction, including but not limited to maintenance and repair, on any structure, either now situated or proposed to be situated on the farm now owned in part by Jay Jaffee, on Pennsylvania Route 343 between Lickdale and the Indiantown Gap Army Reservation in Lebanon County, Pennsylvania, except as specifically authorized in writing by the War Production Board.

(b) Deliveries of material to Jay Jaffee, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Jay Jaffee by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Jay Jaffee, his successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect May 3, 1943.

Issued this 1st day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-6834; Filed, May 1, 1943;
11:35 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-309]

HOME STOVE COMPANY

The Home Stove Company, 501 Kentucky Avenue, Indianapolis, Indiana, is a corporation engaged in the manufacture of cooking and heating stoves and furnaces. From August 1 to November 30, 1942, Home Stove Company, a Class B manufacturer under the provisions of Supplementary Limitation Order L-23-C because of its location in a labor shortage area, used 124,058 pounds of iron and steel in the manufacture of approximately 596 heating stoves in violation of Supplementary Limitation Order L-23-C. The Home Stove Company, furthermore, used approximately 6,052 pounds of iron and steel in the manufacture of furnaces in excess of the amount permitted by Limitation Order L-22.

These violations, which were committed in such careless disregard of the provisions of Limitation Order L-22 and L-23-C as to be deemed wilful, have hampered and impeded the war effort of the United States by diverting essential critical materials and labor to uses unauthorized by the War Production Board.

In view of the foregoing facts, *It is hereby ordered, That:*

§ 1010.309 *Suspension Order S-309.* (a) Home Stove Company, its successors or assigns, shall not purchase, accept delivery of, manufacture, fabricate, assemble, sell, deliver or deal in any cooking or heating appliances or furnaces of any kind, or parts thereof, except with the written approval of the Regional Compliance Chief, Chicago Regional Office, War Production Board.

(b) Deliveries of material to the Home Stove Company, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) No allocations shall be made to the Home Stove Company, its successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve the Home Stove Company, its successors or assigns, from any restrictions, prohibition, or provision contained in any other order or regulation of the War Production Board, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect May 3, 1943 and shall expire on November 3, 1943, at which time the restrictions

contained in this order shall be of no further effect.

Issued this 1st day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-6335; Filed, May 1, 1943;
11:35 a. m.]

PART 3234—AMMUNITION

[Limitation Order L-286]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of ammunition for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3234.1 *Limitation Order L-286—*
(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Manufacturer" means any person engaged in the business of manufacturing ammunition.

(3) "Dealer" means any person engaged in the business of selling ammunition at retail to the public.

(4) "Distributor" means any person engaged in the business of selling ammunition other than a manufacturer or dealer.

(5) "Ammunition" means any cartridge loaded with gun powder and containing a metallic bullet or metallic shot, designed to be fired in a pistol, rifle, shot gun or submachine gun, of a caliber not greater than .45-caliber or of a gauge (for shot guns) not greater than twelve-gauge; also, primers designed for reloading fired cartridges, but not including any tear gas cartridge or projectile. The term "pistol ammunition" includes ammunition for revolvers as well as pistols.

(6) "Authorized purchaser" means any person for whom a quota is assigned in Schedule A of this order.

(7) "Defense plant" means any plant in which any product or material is manufactured, processed or assembled, pursuant to a contract or subcontract with, or for the account of the United States Government or any department or agency thereof.

(8) "Defense plant guard" means any person who is employed as a guard in a defense plant and who requires ammunition in connection with the performance of his duties.

(9) "Law enforcement agency" means any law enforcement agency of the United States Government, and any law enforcement agency of any State, county, city or other governmental subdivision, within the United States or any of its territories or possessions.

(10) "Law enforcement officer" means any member of a law enforcement agency regularly employed as such, who requires ammunition in connection with the performance of his official duties, but the term does not include defense plant guards.

(11) "Special guard" means any person who is employed as a guard by a public utility, a transportation or express company, a bank or trust company, a public warehouse or any company furnishing armored car service, or any payroll guard, who requires ammunition in connection with the performance of his duties and who is required by his employer to furnish all his own ammunition.

(12) "Farmer or rancher" means any person who operates a farm or ranch as owner or as tenant of the owner.

(13) "Calendar quarter" means the several three months of the year commencing January 1, April 1, July 1, and October 1.

(b) *Restrictions on sale and delivery of ammunition.* No manufacturer, distributor or dealer shall sell or deliver any ammunition, and no person shall purchase or accept delivery of any ammunition from any manufacturer, distributor or dealer, except where such ammunition is sold or delivered:

(1) To fill any order for ammunition to be delivered to, or for the account of (i) the Army or Navy of the United States, Defense Supplies Corporation or the Office of Strategic Services; or, (ii) the Government of any foreign country if pursuant to specific authorization of the Army of the United States or the War Production Board.

(2) To fill any order placed by any agency of the United States Government for ammunition to be delivered to, or for the account of the government of any country, including those in the western hemisphere, pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) To a manufacturer, distributor or dealer.

(4) To any authorized purchaser not in excess of his current quota as fixed in Schedule A of this order, upon receipt of a certificate as provided in paragraph (c) of this order.

(5) To any person who has been specifically authorized to purchase or accept delivery of ammunition by the War Production Board pursuant to the provisions of paragraph (d) of this order or otherwise.

(6) From stock in the hands of any dealer on the effective date of this order if the retail value of said stock of ammunition according to maximum prices fixed by the regulations of the Office of Price Administration is less than \$250.

(7) By the Army or Navy of the United States.

(c) *Certification.* Any authorized purchaser, prior to purchasing or accepting delivery of ammunition pursuant to the authorization in paragraph (b)

(4) of this order, shall file with the seller, a purchase order, together with a written certificate signed by him in substantially the form hereinafter provided for such purchaser in this paragraph (c). Such certification shall constitute a representation by such purchaser to the seller and to the War Production Board, of the facts certified therein. No person shall make delivery of ammunition based on such certification who has reason to be-

lieve that any of the facts certified therein are false.

CERTIFICATE No. 1

Law Enforcement Agencies

To -----
Name of Seller

Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that the purchaser is familiar with the provisions of Limitation Order L-286; that purchaser is a law enforcement agency as defined in said order; that purchaser has ----- persons regularly employed as law enforcement officers on a full time basis to whom purchaser furnishes ammunition; that during the current calendar quarter, purchaser has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity to which purchaser is entitled under the applicable quota as established by Schedule A of Limitation Order L-286; that purchaser's present stock of ammunition is inadequate and that the ammunition ordered is necessary for the public safety; that said ammunition will not be used except in connection with the discharge of the official duties of the officers employed by purchaser.

Date: -----

Legal Name of Purchaser
By -----

Authorized Official

Title of Official

Address of Purchaser

CERTIFICATE No. 2

Defense Plants

To -----
Name of Seller

Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Limitation Order L-286; that he is the operator of a defense plant as defined in said order; that he has ----- persons regularly employed as defense plant guards on a full time basis to whom he furnishes ammunition; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity to which he is entitled under the applicable quota as established by Schedule A of Limitation Order L-286; and that the ammunition ordered is necessary for the protection of said plant; that said ammunition will not be used except in connection with the discharge of the official duties of the defense plant guards employed by purchaser.

Date: -----

Legal Name of Purchaser
By -----

Authorized Official

Title of Official

Address of Purchaser

CERTIFICATE No. 3

Special Guards

To -----
Name of Seller

Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Limitation Order L-286; that he is a special guard as defined in paragraph (a) (11) of said order; and that he is employed by _____, in

Name and address of employer _____; that he is required to furnish all his own ammunition; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity for said quarter to which he is entitled under the applicable quota as established by Schedule A of said order; that his present supply of ammunition is inadequate for the performance of his official duties and that he will not use any of the ammunition hereby ordered except in connection with the performance of his official duties.

Date _____

Signature of Purchaser _____

Address of Purchaser _____

Approved by _____

Employer _____

CERTIFICATE No. 4

Farmers and Ranchers

To _____

Name of Seller _____

Address of Seller _____

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Schedule A to Limitation Order L-286; that he operates a farm or ranch; that the ammunition ordered by the attached purchase order is necessary to protect livestock or crops from predatory animals or birds and that his present stock of ammunition is inadequate; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition hereby ordered) in excess of the quantity for said quarter to which he is entitled under the applicable quota established by Schedule A to Limitation Order L-286.

Date _____

Signature of Purchaser _____

(d) *Application for authorization.* Any person other than an authorized purchaser seeking authorization to purchase ammunition and any authorized purchaser who, in any quota period requires ammunition in addition to the applicable quota as fixed in Schedule A shall make application on Form PD-860, which shall be filed with the Governmental Division, War Production Board, Washington, D. C., Ref: L-286. Authorization, if granted, shall be delivered to the seller with the purchase order. In case of emergency, application may be made by telephone or telegraph stating all pertinent facts.

(e) *Miscellaneous provisions—(1) Records.* All manufacturers, distributors and dealers affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventory and sale of ammunition, including all certificates and purchase orders referred to in paragraph (c) and all authorizations by the War Production Board referred to in paragraph (d) of this order.

(2) *Reports.* All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as said Board shall from time to time request.

(3) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by authorized representatives of the War Production Board.

(4) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by, filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds for the appeal.

(6) *Communications.* A report required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Governmental Division, War Production Board, Washington, D. C., Ref: L-286.

(7) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Issued this 1st day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A OF LIMITATION ORDER L-286

(a) *Quotas:* Pursuant to the provisions of paragraph (b) (4) of Limitation Order L-286, quotas of ammunition for authorized purchasers are established on a current quarterly basis as follows:

(1) To any law enforcement agency for each of its law enforcement officers, employed on a full-time basis to whom it furnishes all of the ammunition required in connection with the performance of his official duties:

20 rounds of pistol ammunition, except .22 caliber but not more than 10 rounds of .38 caliber special service, and not more than 10 rounds of .38 caliber midrange.

100 rounds of .38 caliber primers.

100 rounds of rifle ammunition, except .22 caliber.

200 rounds of .22 caliber long rifle cartridges.

25 shot gun shells of any gauge.

(2) To the operator of any defense plant, for each defense plant guard whom he employs on a full-time basis and to whom he furnishes all of the ammunition required in connection with the performance of his duties:

The same quotas as listed in paragraph (1) of this paragraph (a).

(3) To any special guard:

The same quotas as listed in paragraph (1) of this paragraph (a).

(4) To any farmer or rancher:

100 rounds .22 caliber long rifle cartridges.
140 rounds of rifle ammunition except .22 caliber but not more than 40 rounds of .30-30

caliber and not more than 100 rounds of .30-06 caliber.

25 rounds of shot gun shells of any gauge.

[F. R. Doc. 43-6838; Filed, May 1, 1943; 11:36 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41, as Amended April 26, 1943]

Correction

The first subdivision designated (vi) of § 1075.1 (b) (2) in the document appearing on page 5473 of the issue for Tuesday, April 27, 1943, should be designated (iv) and read as follows:

(iv) Telephone facilities or equipment, including facilities or equipment for such telegraph or teletypewriter service as may be conducted by a telephone operator, other than buildings, and is authorized or permitted under the terms of Order L-50 (§ 1095.1);

PART 3256—ANTHRACITE COAL

[Order M-318]

The stoppage in the production of anthracite coal and the fulfillment of requirements for the defense of the United States will create a shortage in the supply of anthracite coal for defense, for private account and for export; and it is necessary and appropriate in the public interest and to promote the national defense to allocate and grant priority with respect to the supply of anthracite coal which is in railroad cars on track, as provided in the following order:

§ 3256.1 Order M-318—(a) *General prohibition of receipt of more than five days' supply.* (1) No person shall accept delivery from a railroad of any anthracite coal which is in any railroad car on track, if such person has, or would have after accepting delivery, more than a five days' supply. This restriction shall apply regardless of whether such person had title to the coal on the effective date of this order. Exceptions from this restriction are provided for in paragraphs (d) and (e) of this order.

(2) As evidence of the right to receive not more than five days' supply, each person accepting delivery must give the railroad an undertaking in duplicate in substantially the form of Appendix A to the effect that he has less than five days' supply and (if he is not the original consignee) that he will pay all obligations of the consignee to the consignor with respect to such coal.

(b) *Directions to railroads by Interstate Commerce Commission.* Each railroad shall comply with all directions which the Interstate Commerce Commission may issue to give effect to this order including any supplemental directions which the Commission may issue in order to carry out the recommendations of the Solid Fuels Administrator for War to give effect to this order. Such directions may require any railroad, notwithstanding the terms of any contract, to deliver anthracite coal for the account of the consignor to any person having less than five days' supply who furnishes

the undertaking referred to in paragraph (a) (2) of this order, regardless of whether the coal is consigned to anyone else, and a railroad may rely on the truth of statements contained in such undertaking unless it knows them to be false.

(c) *Coal producers.* No producer or other consignor of anthracite coal shall cause delivery to be made to any person prohibited from receiving the same under this order, and no such producer shall do anything to interfere with delivery to a person entitled to receive delivery under paragraph (b), regardless of whether the producer or consignor has sold the coal to anyone else. Each producer or other consignor shall comply with all supplemental directions which the Solid Fuels Administrator for War may issue to give effect to this order.

(d) *Exceptions.* The provisions of this order shall not apply to:

(1) Coal specifically consigned for export (other than all rail shipment to Canadian destinations).

(2) Coal specifically consigned for water movement after dumping from cars, but coal which has been loaded in cars after completion of water movement shall be subject to this order.

(3) Coal specifically consigned for use aboard any vessel.

(4) Delivery to a consignee's siding without the undertaking required by paragraph (a) (2), if the railroad informs the consignee that delivery is made for the railroad's convenience and that the coal is still subject to reconsignment under this order. The consignee shall not unload any such coal without giving the undertaking provided in paragraph (a) (2) to the railroad which made delivery.

(5) Delivery to a connecting carrier.

(6) Any transaction which may be specifically permitted by the Interstate Commerce Commission or the Solid Fuels Administrator for War.

(e) *Supplemental directions.* The Solid Fuels Administrator for War is authorized to issue such supplemental directions and order such adjustments or exceptions as he deems necessary or appropriate to assure the most efficient distribution of the supply of anthracite coal in the interest of the war and essential civilian production, and to recommend to the Interstate Commerce Commission such action as he deems necessary or appropriate for the same purpose.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. The furnishing of the undertaking required by paragraph (a) (2) shall be deemed a representation to the War Production Board and to the Interstate Commerce Commission. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) This order applies to anthracite coal produced before or after the time this order becomes effective and put on track before or after that time, whether such coal is at the mine, in transit or elsewhere when this order becomes effective.

(3) "Railroad" means any common carrier by railroad subject to the Interstate Commerce Act.

(4) "Five days' supply" includes all anthracite coal of any usable kind, grade or size on hand or available. Any person who has coal in transit (if not restricted by this order) or has coal located away from the place of consumption must take such coal into account in computing whether he has a five days' supply to the extent that such coal will be available or can practicably be made available at the place of consumption within five days. A five days' supply shall be deemed to include any additional amount necessary to avoid delivery of a fraction of a carload. In the case of a retail dealer, five days' supply shall be five times the average daily tonnage delivered by the dealer during April 1943.

(5) "Delivery" includes unloading by a railroad for its own use.

(h) *Communications.* All communications regarding this order should be addressed to the Solid Fuels Administrator for War, Washington, D. C.

(i) *Effective date.* This order shall become effective at 6:00 p. m. Eastern War Time, May 1, 1943.

Issued this 1st day of May 1943.

DONALD M. NELSON,
Chairman.

APPENDIX A

Undertaking to be furnished in duplicate by person receiving coal

In order to establish the right of the undersigned to receive delivery of anthracite coal under the restrictions of War Production Board Order No. M-318 the undersigned certifies to _____ and to _____

(Name of RR)

the War Production Board and the Interstate Commerce Commission that the undersigned has not, and will not have after receiving the coal identified below, more than a five days' supply thereof as defined in said order. The undersigned (if not the original consignee of the coal) agrees, in consideration of receipt of such coal, to pay all obligations of the consignee to the consignor with respect to such coal and to pay to said railroad all applicable transportation charges, demurrage charges, and other accessorial charges.

(Date)

(Name of person receiving coal)

By _____

(Signature of authorized official)

Identification of anthracite coal covered by this undertaking:

[F. R. Doc. 43-6869; Filed, May 1, 1943;
4:09 p. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-e, as Amended
May 3, 1943]

TIN PLATE, TERNE PLATE AND TIN MILL BLACK PLATE

Supplementary Order M-21-e (§ 962.6) is amended to read as follows:

§ 962.6 *Supplementary Order M-21-e—(a) Definitions.* For the purposes of this order:

(1) "Tin plate" means steel sheets coated with tin (including primes, seconds, and waste-waste) and includes:

(i) "Electrolytic tin plate," in which the tin coating is applied by electrolytic deposition.

(ii) "Hot dipped tin plate," in which the tin coating is applied by immersion in molten tin.

(2) "Terne plate" means steel sheets coated with terne metal (including primes, seconds, and waste-waste) and includes:

(i) "Short ternes," meaning steel sheets coated with terne metal on tin mill coating machines, and

(ii) "Long ternes," meaning steel sheets coated with terne metal on sheet mill coating machines.

(3) "Terne metal" means the lead-tin alloy used as the coating for terne plate.

(4) "Process" means cut, draw, stamp, spin, or otherwise shape.

(5) "Put into process" means the first change by a manufacturer in the form of material from that form in which the tin plate or terne plate is received by him.

(b) *Restrictions on use of tin plate and terne plate.* Except to the extent specified in Schedule A or with specific authorization in writing by the War Production Board:

(1) No person shall use tin plate, or terne plate in the production of any item or part thereof.

(2) No person shall use hot dipped tin plate with a pot yield exceeding 1.25 pounds per base box.

(3) No person shall use electrolytic tin plate with a tin coating in excess of .50 pound per base box.

(4) No person shall use short ternes with a terne coating in excess of 1.30 pounds per base box.

(5) No person shall use long ternes with a terne coating in excess of 4 pounds per base box.

(c) *Restrictions on use of terne metal.* Unless specifically authorized in writing by the War Production Board,

(1) No person shall use terne metal except in the production of terne plate.

(2) No person shall use terne metal containing over 15% tin in tin mill coating machines.

(3) No person shall use terne metal containing over 10% tin in sheet mill coating machines.

(d) *Restrictions on production, sale, and delivery of tin plate and terne plate.* No person shall produce, sell, or deliver tin plate or terne plate to or for the account of any person if he knows or has reason to believe that such material will be used in violation of the terms of this order or any other or further order or direction of the War Production Board.

(e) *Exceptions.* (1) the provisions of paragraph (b) shall not apply to the ma-

materials listed in Schedule B, except that no person shall use such materials in the production of any items, or parts thereof, other than those items in the production of which iron or steel is permitted by other existing or future orders of the War Production Board.

(2) The provisions of paragraphs (b), (c) and (d) shall not apply in the case of articles to be purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to be physically incorporated into products to be so purchased to the extent that the use of tin plate or terne plate is required by the specifications (including performance specifications) of the Army or Navy of the United States, United States Maritime Commission or the War Shipping Administration, applicable to the contract, subcontract or purchase order.

(f) *Restrictions on tin consumption.* During the first calendar quarter of 1942 and during each calendar quarter thereafter, no person shall use tin in the production of tin plate or terne plate in excess of the quota assigned to such person by the War Production Board.

(g) *Special directions.* The War Production Board may from time to time issue special directions as to production, sale, delivery, and use of tin plate, terne plate and tin mill black plate, which may include directions as to the tin or lead content of tin plate and terne plate.

(h) *Purchasers' reports.* Each person who purchases tin plate, short ternes or tin mill black plate, except wholesale dealers, shall file with the War Production Board monthly reports on Form PD 614.

(i) *Producers' reports.* Each person who produces tin plate, short ternes or tin mill black plate shall file with the War Production Board monthly reports on Form PD 612, and revisions of his production schedule as necessary on Form PD-767.

(j) *Applicability of other orders.* Insofar as any other order of the War Production Board may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such order shall be observed.

(k) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Communications.* All reports to be filed hereunder and communications

concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C. Ref.: M-21-e.

Issued this 3d day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Permitted uses	Permitted materials	Maximum permitted coating of tin or of terne metal
1. Cans.....	As specifically authorized by or pursuant to Conservation Order M-81, as amended.	
2. Closures.....	As specifically authorized by or pursuant to Conservation Order M-104, as amended.	
3. Baking pans for institutions and commercial bakers.....	Hot dipped tin plate.....	1.25 lbs. per base box.
4. Carbide non-explosive emergency lights.....	Electrolytic tin plate.....	0.50 lbs. per base box.
5. Chaplets, skimgates and tin forms for foundry use.....	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
	Hot dipped tin plate.....	1.25 lbs. per base box.
	Electrolytic tin plate.....	0.50 lbs. per base box.
	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
6. Cheese vats.....	Hot dipped tin plate.....	1.1 lbs. per base box.
7. Component parts for: Internal combustion engines including cooling systems, fuel systems, and lubricating systems—but only where less essential material is impractical because of corrosion or solderability.	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
8. Current collectors which are integral parts of signal cells.	Hot dipped tin plate.....	1.25 lbs. per base box.
9. Dairy ware and equipment, including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Electrolytic tin plate.....	0.50 lbs. per base box.
10. Electrical equipment parts requiring solderable coatings.	Short ternes.....	1.30 lbs. per base box.
11. Gas mask canisters.....	Long ternes.....	4 lbs. per base box.
	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
12. Gas meters.....	Hot dipped tin plate.....	3.30 lbs. per base box (2A charcoal).
	Electrolytic tin plate.....	0.50 lbs. per base box.
	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
13. Heat exchangers.....	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
14. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate.....	1.1 lbs. per base box.
15. Maple syrup evaporators.....	Short ternes.....	1.30 lbs. per base box.
16. Oil lanterns.....	Long ternes.....	4 lbs. per base box.
	Short ternes.....	1.30 lbs. per base box.
17. Roofing—but only for repair purposes.....	Long ternes.....	4 lbs. per base box.
	Short ternes.....	1.30 lbs. per base box.
18. Safety cans for inflammable liquids.....	Long ternes.....	4 lbs. per base box.
	Short ternes.....	1.30 lbs. per base box.
19. Textile spinning cylinders, card screens, spools and bobbins.	Hot dipped tin plate.....	1.25 lbs. per base box.
	Electrolytic tin plate.....	0.50 lbs. per base box.
	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
20. Torpedoes for oil and gas well shooting.....	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
21. Vaporizing liquid fire extinguishers.....	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
22. Wick holders for oil stoves—but only for replacement.....	Short ternes.....	1.30 lbs. per base box.
	Long ternes.....	4 lbs. per base box.

SCHEDULE B

- Hot dipped tin plate waste-waste outside the gauge range from 80 to 107 lbs. per base box.
- Electrolytic tin plate waste-waste.
- Short terne waste-waste outside the gauge range from 80 to 107 lbs. per base box.
- Furnace pipe and fitting materials which were in inventory on May 16, 1942, but only for sale or delivery on orders for maintenance and repairs regardless of rating or for sale or delivery on orders for defense housing to the extent specified in the Defense Housing Critical List.
- Materials in inventory (other than materials referred to in item 4 of Schedule B above) which were put into process, painted, lacquered, lithographed or enameled on or before May 16, 1942.
- Materials outside the gauge range from 75 to 112 lbs. per base box which were in inventory on May 16, 1942.
- Black plates or sheet steel coated with lead recovered from secondary sources and containing not more than 2½% residual tin.

[F. R. Doc. 43-6924; Filed, May 3, 1943; 11:41 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary General Limitation Order L-30-b, as Amended May 3, 1943]

ENAMELED WARE

§ 1052.3 *Supplementary Limitation Order L-30-b—(a) Definitions.* For the purposes of this order:

(1) "Enameled ware" means any of the following articles when made of vitreous-enameled iron or steel:

(i) Utensils used primarily in the preparation, cooking, serving, or storage of foods or beverages, whether for household, institutional, commercial, governmental or any other use;

(ii) Pails, buckets and tubs (including infants' bath tubs);

(iii) Commodes, chambers, chamber covers, combinets and inserts for step-on cans;

(iv) Dish pans and sink strainers;

(v) Canteens for storing or carrying water or other liquids, except when produced pursuant to a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States; and

(vi) Baby bottle sterilizers.

(2) "Hospital ware" means any wash basin made of vitreous-enameled iron or steel, and any article made of vitreous-enameled iron or steel designed primarily for hospital or sick room use, including but not limited to, sponge basins, pus basins, solution basins, bed pans, irrigators, dressing jars, instrument trays, instrument sterilizers (without heating elements or stands), urinals, catheter trays, feeding cups and douche pans, but excluding any article included in subparagraph (1) of this paragraph (a).

(3) The terms "Enameled ware" and "Hospital ware" do not include furniture, electrical or gas appliances or power-driven equipment.

(4) "Manufacturer" means any person who produces or assembles any enameled ware or hospital ware.

(5) "Iron and steel used" means the aggregate weight of iron and steel when first put into production by a manufacturer, whether in the form of raw materials or as purchased parts.

(6) "Base period" means the twelve months ending June 30, 1941.

(b) *General restrictions.* (1) Except as provided in subparagraphs (2) and (3) of paragraph (b), on and after October 29, 1942, no manufacturer shall process, fabricate, work on or assemble any enameled ware except the articles listed in the following table, and then only within the permissible sizes and other limitations set forth in the table. When a manufacturer is permitted by this table to make more than one size of any article, each size he manufactures shall fall within a different one of the size ranges specified, except that if only one size range is specified he may manufacture the permitted number of sizes anywhere within the single range specified.

Articles	Number of sizes permitted each manufacturer	Sizes
Coffee boilers*.....	1	9½ to 12 quart capacity.
Double boilers*.....	2	1½ to 2½ quart and 6½ to 8 quart capacity.
Dish pans.....	1	9 to 15 quart capacity.
Steamtable insets*.....	3	To fit openings of 6½", 8½" and 10½" in diameter.
Preserving kettles*.....	1	14 to 20 quart capacity.
Ladles.....	1	Manufacturer's choice.
Water pails*.....	1	10 to 12½ quart capacity.
Steamtable pans.....	2	Manufacturer's choice, to fit rectangular openings only.
Percolators (with or without baskets)*.....	1	6 to 9 cup capacity.
Bain Marie pots.....	2	2 to 2½ quart and 4 to 4½ quart capacity.
Sauce pots*.....	2	3½ to 8½ quart capacity.
Stock pots*.....	3	15 to 36 quart capacity.
Sauce pans.....	1	1½ to 2½ quart capacity.
Roasters (single wall)*.....	1	15" to 19" in length.

*Metal covers may be made for these articles but not for any others in this table.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may produce any article of enameled ware from iron or steel

which, on October 24, 1942, had been blanked to size and shape for an article of enameled ware by him or by any other person: *Provided*, That such article is completed on or before December 31, 1942, except for the production and attaching of handles, bails, spouts and ears, the welding together of fabricated parts and the application of a vitreous-enameled or other coating which may be done thereafter.

(3) The restrictions contained in paragraph (b) (1) shall not apply to any article of enameled ware which is produced:

(i) Pursuant to a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration for use in the field or on shipboard: *Provided*, That the specifications for such purchase order, contract or subcontract specifically provide for an article which may not be produced within the limitations of paragraph (b) (1); or

(ii) Pursuant to written authorization of the War Production Board in fulfillment of a specific purchase order or contract for export. Application for such authorization should be filed on Form PD-556, which may be obtained from the nearest Regional or District office of the War Production Board and shall be submitted in quadruplicate according to the following instructions:

Answer all applicable questions on the Form, except columns (b) and (c) of section II and questions 4, 6 and 7 of section III.

(a) Under I, state name, address and business of person for whom applicant desires to produce enameled ware:

(b) Under III (1) (b), state general location, country or territory where items are to be used;

(c) Under III (3), state what the effect will be on the particular export program involved if the items are not received on or before the delivery dates stated;

(d) Under III (5), state complete reasons why enameled ware produced within the limitations of paragraph (b) (1) will not be suitable.

(4) [Revoked May 3, 1943]

(5) [Revoked May 3, 1943]

(6) During the period of three months beginning January 1, 1943, and during each succeeding period of three months until otherwise ordered by the War Production Board, no manufacturer shall (i) use more iron and steel:

(a) In his aggregate production of enameled ware (other than water pails and roasters) than three times 75% of his average monthly use of iron and steel in his aggregate production of enameled ware (other than pails, buckets, and tubs and roasters) during the base period,

(b) In his production of enameled ware water pails than three times 125%

of his average monthly use of iron and steel in the production of enameled ware pails, buckets and tubs during the base period, or

(c) In his aggregate production of hospital ware than three times 200% of his average monthly use of iron and steel in the production of hospital ware during the base period, or

(ii) Produce more enameled ware roasters than three times 15% of the average monthly number of enameled ware roasters produced by him during the base period.

(c) *Applicability of other orders.* On and after November 1, 1942, the provisions of this order shall supersede the provisions of Limitation Order L-30 in respect to enameled ware, and hospital ware, but nothing in this order shall be deemed in any way to affect the provisions of the said Order L-30 in respect to any other products. In so far as any other order restricts the use of materials in the production of enameled ware or hospital ware to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Appeals.* Any appeal from this order should be made on Form PD-500 and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(f) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of enameled ware or hospital ware inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of enameled ware and hospital ware at the rates permitted by this order.

(g) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* Each manufacturer shall file, on or before the fifteenth day of each calendar month, a report on Form PD-655.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref: L-30-b.

Issued this 3d day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-6925; Filed, May 3, 1943;
11:40 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary Limitation Order L-30-c as
Amended May 3, 1943]

CAST IRON WARE

§ 1052.4 *Supplementary Limitation Order L-30-c—(a) Definitions.* For the purposes of this order;

(1) "Cast iron ware" means any of the following articles when made of cast iron:

(i) Kitchen utensils used primarily in the preparation, cooking, serving or storage of food or beverages, whether for household, institutional, commercial, governmental or any other use, and racks for holding such utensils;

(ii) Sugar, wash and butchering kettles and English pots;

(iii) Sad irons, flat irons and Mrs. Potts' irons; and

(iv) Hot plates and flame tamers; "Cast iron ware" does not include scouse kettles when produced under a specific purchase order contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or electrical or gas appliances or power-driven equipment.

(2) "Manufacturer" means any person who produces or assembles any cast iron ware.

(3) "Pig and scrap iron used" means the aggregate weight of pig and scrap iron when first put into production by a manufacturer.

(4) "Base period" means the twelve months ending June 30, 1941.

(b) *General restrictions.* (1) Except as provided in paragraphs (b) (2) and (b) (3), no manufacturer shall cast, process, fabricate, work on or assemble any cast iron ware except the articles listed in Table I, and then only within the permissible sizes and other limitations set forth in the table.

(2) Notwithstanding the provisions of paragraph (b) (1), a manufacturer may attach handles and bails to any article of cast iron ware which was otherwise completed on or before November 30, 1942.

(3) The War Production Board may authorize the production of articles of cast iron ware not conforming to the limitations of paragraph (b) (1) in fulfillment of a specific purchase order or contract for export. Applications for

such authorization should be filed on Form PD-556, which may be obtained from the nearest regional or district office of the War Production Board and shall be submitted in quadruplicate according to the following instructions:

Answer all applicable questions on the form, except columns (b) and (c) of Section II and questions 4, 6 and 7 of Section III.

(i) Under I, state name, address and business of person or corporation for whom applicant will produce cast iron ware;

(ii) Under III (1) (b), state general location, country or territory where items are to be used;

(iii) Under III (3), state what the effect will be on the particular export program involved if the items are not received on or before the delivery dates stated;

(iv) Under III (5), state complete reasons why cast iron ware produced within the limitations of paragraph (b) (1) will not be suitable.

(4) During the period of three months beginning January 1, 1943, and during each succeeding period of three months until otherwise ordered by the War Production Board, no manufacturer shall use more pig and scrap iron in the production of

(i) Skillets, griddles, Dutch ovens or sad irons and flat irons than three times 50% of the average monthly amount of pig and scrap iron used by him during the base period in the production of skillets, griddles, Dutch ovens and sad irons and flat irons, respectively;

TABLE I

Articles	Number of sizes permitted each Manufacturer	Sizes
Skillets.....	3	6 $\frac{1}{2}$ ", 9", and 10 $\frac{1}{2}$ " in top diameter. ¹
Griddles.....	2	Manufacturer's choice, round or rectangular, provided outside diameter or outside width is 12 $\frac{1}{2}$ " or over. ²
Household kettle.....	1	7 quart capacity.
Sugar or wash kettle.....	1	16 gallon capacity. ¹
Butchering kettle.....	1	30 gallon capacity. ¹
Dutch oven.....	1	Manufacturer's choice.
Either muffin pan.....	1	11- or 12-cup size.
or corn or bread stick pan.....	1	7-stick size.
Sad irons or flat irons.....	Unlimited	Unlimited.

¹ The capacity or dimensions of these sizes may vary 10% from the figures stated.

² Griddles of smaller size may also be produced pursuant to an order placed by or for the account of the Army or Navy of the United States.

(ii) Household kettles than three times 50% of the average monthly amount of pig and scrap iron used by him during the base period in the production of such kettles having a capacity of twelve quarts or less;

(iii) Sugar or wash kettles than three times 25% of the average monthly amount of pig and scrap iron used by him during the base period in the production of sugar and wash kettles having a capacity of 20 gallons or less;

(iv) Butchering kettles than three times 25% of the average monthly amount of pig and scrap iron used by him during the base period in the production of butchering kettles having a capacity of over 20 gallons; or

(v) Muffin pans or corn or bread stick pans than two times 50% of the average monthly amount of pig and scrap iron used by him during the base period in the production of muffin pans and corn and bread stick pans.

(c) *Applicability of other orders.* On and after November 1, 1942, the provisions of this order shall supersede the provisions of Limitation Order L-30 in respect to cast iron ware, but nothing in this order shall be deemed in any way to affect the provisions of said Order L-30 in respect to any other product. In so far as any other order restricts the use of any material in the production of any cast iron ware to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regu-

lations of the War Production Board, as amended from time to time.

(e) *Appeals.* Any appeal from this order should be made on Form PD-500 and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(f) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of cast iron ware inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of cast iron ware at the rates permitted by this order.

(g) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sale.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person

may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref: L-30-c.

Issued this 3d day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[J. R. Doc. 43-6926; Filed, May 3, 1943;
11:40 a. m.]

PART 3053—CONVEYING MACHINERY AND
MECHANICAL POWER TRANSMISSION
EQUIPMENT

[General Limitation Order L-287]

PORTABLE CONVEYORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3053.6 *General Limitation Order L-287*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Portable conveyor" means any new conveyor, either wheel or crawler mounted (other than snow loaders), of the belt, drag, flight, or scraper type, or portable hopper car track unloader, used for the handling of loose bulk materials other than construction materials or excavated earth, but does not include underground mining machinery or conveyors mounted upon wheels designed to run on rails.

(3) "Approved order" means:

(i) Any purchase order for a portable conveyor, or parts for the repair or maintenance of a portable conveyor, bearing a preference rating of AA-5 or higher if placed with or accepted by a manufacturer or dealer on or after May 10, 1943, or A-1-c or higher if placed with and accepted by a manufacturer or dealer prior to said date; or

(ii) Any purchase order for portable conveyors for the Army, the Navy, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development. As used herein, the terms "Army", "Navy", "Maritime Commission", and "War Shipping Administration" shall not include any privately operated plant or shipyard financed by, or controlled by, any of those organizations, or operated on a cost-plus-fixed-fee basis.

(4) "Manufacture" means the fabrication, manufacture or assembly of portable conveyors.

(b) *Restrictions on acceptance of orders for, and deliveries of, portable conveyors.* (1) No manufacturer or dealer shall accept any order for any portable conveyor, or for parts for such a conveyor, from any person acquiring the same for use and not for resale, unless such order is an approved order.

(2) No manufacturer or dealer shall deliver any portable conveyor or parts for such a conveyor, to any person acquiring same for use and not for resale, and no such person shall accept delivery of any portable conveyor or parts, except pursuant to an approved order.

(c) *Exemption to paragraph (b) for certain orders for repair and maintenance parts.* (1) The provisions of paragraph (b) shall not apply to any order for, or to the delivery of, parts for necessary maintenance or repair of any portable conveyor, in an amount not exceeding \$300 for any single portable conveyor. No order shall be divided for the purpose of bringing it within the terms of this paragraph.

(2) No manufacturer or dealer shall accept an order (other than an approved order) for parts for the repair or maintenance of any portable conveyor, from any person acquiring such parts for use, or deliver such parts to such a person, unless the manufacturer or dealer knows or has reasonable cause to believe that such order or parts are exempted under the terms of paragraph (c) (1) of this order.

(d) *Restrictions on manufacture and delivery.* (1) Except as otherwise provided in paragraph (d) (2) hereof, on and after June 9, 1943, no person shall manufacture or deliver, and no person shall knowingly accept the delivery of, any portable conveyor, or parts for a portable conveyor, unless such conveyor or parts are manufactured in accordance with the specifications and restrictions on the use of materials prescribed in Schedule A hereto: *Provided, however,* That this restriction shall not apply to portable conveyors or parts manufactured, fabricated or processed prior to May 10, 1943, to a point where other use is impracticable.

(2) The limitations and restrictions of paragraph (d) (1) shall not apply:

(i) To any portable conveyors or parts delivered pursuant to any order accepted by the manufacturer prior to May 10, 1943, provided such delivery is made prior to June 9, 1943; or

(ii) To repair and replacement parts for use in any portable conveyor delivered prior to May 10, 1943, or for use in any portable conveyor the manufacture or delivery of which is permitted under the provisions of this paragraph (d); or

(iii) To portable conveyors or parts for delivery to, or for the account of, and for direct use by, the Army, Navy, Maritime Commission, or War Shipping Administration, delivered within 90 days after May 10, 1943, to the extent that any applicable specifications of the respective organization may require construction, design, or materials not in accordance with the provisions of this order. As used herein, the terms "Army",

"Navy", "Maritime Commission", and "War Shipping Administration" shall not include any privately operated plant or shipyard financed by, or controlled by, any of those organizations, or operated on a cost-plus-fixed-fee basis.

(e) *Other limitation or conservation orders.* Nothing in this order shall be construed to permit any person to sell, deliver or otherwise transfer, or any manufacturer to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any "L" or "M" order or amendment or supplements thereto, effective at the date of any such sale, delivery or transfer. Where the limitations imposed by any other "L" or "M" order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priority control, and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Ref.: L-287.

(g) This order shall become and be effective on and after May 10, 1943.

Issued this 3d day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Restrictions and limitations on the use of materials in portable conveyors.

(a) As used in this schedule:

(1) "Alloy steel" and "alloy iron" means alloy steel and alloy iron as defined in Order M-21-a as amended and supplemented from time to time; and

(2) "Anti-friction bearings" means all types of ball, needle and roller bearings.

(b) "Portable conveyors": The materials listed below are restricted or prohibited in the construction of portable conveyors as prescribed below.

(1) No portable conveyor shall be manufactured which contains or uses any one or more of any of the following types of mechanisms, devices, parts or features:

(i) Power moving mechanisms (to make the conveyor self-propelled);

- (ii) Power boom raising and lowering device;
- (iii) Rubber tired wheels;
- (iv) New anti-friction bearings, except in troughing belt carriers, and except for agricultural type bearings in wheel mountings;
- (v) Vibrating screen discharge chutes; or
- (vi) Flexible jointed or rigid curved booms.
- (2) No portable conveyor or any part thereof, or nameplate or identification plates thereon, shall be manufactured containing any of the following materials: aluminum, cadmium, copper, chromium, nickel, tin, zinc, monel metal, alloy iron, alloy steel or copper bearing sheets; except that this paragraph (b) (2) shall not apply to or restrict the use of bearing bushings or bearing linings, or of any such materials or finishes or alloys

thereof when used in electric motors or internal combustion engines or parts thereof (including controls and similar devices used therewith), where not prohibited by the provisions of any other limitation order or conservation order of the War Production Board applicable to such electric motors or internal combustion engines.

(3) No portable conveyor (other than a hopper car track unloader) shall be manufactured which incorporates more pounds of metal than shown in the appended "Weight Table" for specified types and boom lengths. The weights as given in said table shall not be deemed to include the weights of the motor or internal combustion engine, motor switch or controller, cable and cable connectors, discharge chute or screen chute.

WEIGHT TABLE—MAXIMUM QUANTITY OF METAL WHICH MAY BE USED IN PORTABLE CONVEYORS

[Except Hopper Car Track Unloaders]

Length of boom, in feet, center to center of head and foot shafts, measured with takeups in short position (feet)	Flat belt conveyor		Troughed belt conveyors		Drag or scraper conveyors		
	14" wide and under	16" wide and over	18" wide and under	20" wide and over	Light duty, ¹ 36 sq. in. and under	Medium duty, ² over 36 sq. in. and under 60 sq. in.	Heavy duty, ³ 60 sq. in. and over
15	Lbs. 550	Lbs. 635	Lbs. 800	Lbs. 970	Lbs. 1,100	Lbs. 1,800	Lbs. 1,870
16	575	670	850	1,035	1,150	1,850	1,935
17	600	700	900	1,100	1,200	1,900	2,000
18 ¹	635	735	970	1,170	1,235	1,950	2,070
19	670	770	1,035	1,235	1,270	2,000	2,135
20 ¹	700	800	1,100	1,300	1,300	2,050	2,300
21	725	850	1,150	1,350	1,350	2,085	2,375
22 ¹	750	900	1,200	1,400	1,400	2,125	2,450
23	775	950	1,250	1,450	1,450	2,165	2,525
24	800	1,000	1,300	1,500	1,500	2,200	2,600
25 ¹	870	1,100	1,400	1,600	1,550	2,250	2,670
26	935	1,200	1,500	1,700	1,600	2,300	2,735
27	1,000	1,300	1,600	1,800	1,650	2,350	2,800
28 ¹	1,135	1,450	1,700	1,925	1,765	2,400	2,870
29	1,270	1,600	1,850	2,150	1,880	2,450	2,935
30 ¹	1,400	1,800	2,100	2,300	2,000	2,500	3,000
31	1,450	1,950	2,200	2,400	(2)	2,600	3,100
32	1,500	2,000	2,300	2,500	(2)	2,700	3,200
33	1,600	2,100	2,400	2,650	(2)	2,800	3,300
34	1,700	2,200	2,500	2,800	(2)	2,900	3,400
35 ¹	1,800	2,300	2,600	2,950	(2)	3,000	3,500

¹ (36" and over shall not be manufactured) Indicates lengths recognized as standard by the Industry.

² Effective area (width multiplied by depth, in inches) of flight or scraper.

³ Not to be made.

For any length between any two specified above, total weight of steel shall not exceed the amount specified for the next lower length.

[F. R. Doc. 43-6927; Filed, May 3, 1943; 11:40 a. m.]

PART 3160—LIGHT POWER DRIVEN TOOLS
[General Limitation Order L-237, as Amended May 3, 1943]

1. Part 3160—Woodworking Machinery and Light Machine Tools, is amended to read as above.

2. General Limitation Order L-237 (§ 3160.1) is hereby amended in its entirety to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account, and for export, of light power driven tools and materials entering into the production thereof; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3160.1 *General Limitation Order L-237—(a) Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the production, manufacture, or assembly of light power driven tools.

(3) "Supplier" means any person (other than a producer) whose business consists in whole or in part of the sale, distribution, or transfer from stock or inventory of light power driven tools; "supplier" includes wholesalers, distributors, jobbers, dealers, retailers, branch warehouses or other distribution outlets controlled by producers and other persons performing a similar function.

(4) "Light power driven tool" means any new power driven tool, whether powered by electric motor, belt drive, or pneumatic or hydraulic means, listed on Schedule A hereof, as amended from time to time, irrespective of the use for which it is designed, or the use to which it may be put, whether for the working of metals, wood or any other substance, which power driven tool had a producer's list price on October 15, 1942, of \$350 or less; exclusive, however, of floor finishing, floor maintenance and floor sanding machines as defined in General Limitation Order L-222 and exclusive of portable tools, and exclusive of automotive maintenance equipment as defined in Limitation Order L-270.

(5) "Portable tool" means any light power driven tool which in the course of normal use is lifted, held and operated by not more than two persons.

(6) "Producer's list price" means the sale price at which the producer's catalog or other price publication listed the light power driven tool, exclusive of the motor, motor drive, or any attachments therefor: *Provided, however,* That where the motor, motor drive, or any attachments are initially built into the basic tool itself, as an integral part thereof, then in such case "producer's list price" shall mean the sale price at which the producer listed the light power driven tool as an assembled unit.

(b) *Restrictions.* (1) Except to fill specific purchase orders actually received, no producer shall manufacture, fabricate, assemble or produce any light power driven tool the addition of which to his inventory would increase such inventory beyond the lesser of the following quantities:

(i) That quantity or number of light power driven tools required to satisfy anticipated deliveries on existing or anticipated orders bearing preference ratings of A-1-a or higher for a period of sixty days in advance, or

(ii) A quantity equal to 16 $\frac{2}{3}$ percent of such producer's total 1941 sales by dollar value of such light power driven tools.

(2) No producer or supplier shall sell, transfer or deliver to any person any light power driven tool except on orders bearing a preference rating of A-1-a or higher: *Provided, however,* That the provisions of this paragraph (b) (2) shall not apply to the sale, transfer or delivery of any light power driven tool by one supplier to another supplier.

(3) No person shall purchase, acquire or accept delivery of any light power driven tool by the application of any preference rating assigned by a PRP certificate, or assigned or applied pursuant to CMP Regulation No. 5 or 5A, nor shall any person fill any order for any light power driven tool which he knows or has reason to believe bears a preference rating assigned by a PRP certificate, or assigned or applied pursuant to CMP Regulation No. 5 or 5A: *Provided, however,* That

(i) The provisions of this paragraph (b) (3) shall not apply to any light power driven tool which had a producer's list price on October 15, 1942 of \$175 or less, and

(ii) The provisions of this paragraph (b) (3) shall not apply to deliveries by producers of any light power driven tools against purchase orders received prior to May 3, 1943 which have been rated pursuant to CMP Regulation No. 5 or 5A.

(4) No supplier shall accept delivery of any light power driven tool which will increase his inventory of that size and type of tool (irrespective of manufacturing make) beyond five in number; and no producer or supplier shall deliver or cause to be delivered to any supplier any light power driven tool which the delivering producer or supplier knows or has reason to believe will increase the receiving supplier's inventory of that size and type of tool (irrespective of manufacturing make) beyond five in number.

(5) The prohibitions and restrictions imposed by this order on sales, transfers, and deliveries shall apply not only to sales, transfer, or deliveries from one person to another person, including affiliates and subsidiaries, but shall apply also to sales, transfers, or deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control; and the delivery and inventory restrictions of paragraph (b) (4) hereof shall apply separately to each branch, division, or section of a single enterprise under common ownership or control.

(c) *Inapplicability of other orders.* Light power driven tools covered by this Order L-237 are specifically excluded from General Preference Order E-1-b as amended March 8, 1943. Producers who produce both light power driven tools under Limitation Order L-237 and machine tools under General Preference Order E-1-b must conform to the applicable provisions of each order, unless otherwise specifically directed by the War Production Board.

(d) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Tools Division, Washington, D. C., Ref: L-237.

Issued this 3d day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

LIGHT POWER DRIVEN TOOLS FOR WORKING OF METAL, WOOD, OR OTHER SUBSTANCES

Band saw machines (excluding woodworking only of 17" wheel diameter and larger).

Table saws (excluding woodworking only larger than 12" blade diameter or 2 H. P.).

Arbor saws (excluding woodworking only larger than 12" blade diameter or 2 H. P. and excluding drag and cord wood saws).

Single spindle drill presses, including drill press heads—bench and floor types.

Multiple spindle drill presses, including drill press heads—bench and floor types.

Radial drills.

Tapping machines.

Shapers, ram type.

Shapers, vertical spindle (excluding woodworking only 3 H. P. or larger).

Milling machines—bench and floor types.

Grinders and buffers—bench and floor types as follows:

General purpose, including drill grinders.

Carbide tool.

Surface grinders, including tool, cutter

and chip breaker types.

Cylindrical grinders.

Tool post grinders.

Disc (disk) grinding and finishing machines.

Sickle grinders.

Saw grinders.

Tap grinders.

Abrasive belt finishing machines.

Cutoff machines, including radial (excluding woodworking only).

Hack saw machines.

Lathes, bench and floor types as follows:

Engine.

Metal spinning and woodworking, excluding those designed for woodworking only.

Polishing and buffing.

Flexible shaft machines.

Power arbor presses.

Pipe and bolt threading machines.

Scroll and jig saws.

Jointers.

2 Routers (excluding woodworking only over H. P.).

Filing machines.

Honing machines.

Lapping machines.

Polishing heads.

[F. R. Doc. 43-6928; Filed, May 3, 1943; 11:40 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Inventory Direction 7 Under CMP Reg. 2]

TRANSPORTATION SYSTEMS; EMERGENCY REPAIRS

§ 3175.107 *Inventory Direction No. 7.* Pursuant to subparagraph (b) (2) of CMP Regulation 2, It is hereby ordered, That:

In the case of any "operator" as defined in, and who is subject to, the provisions of Preference Rating Order P-142, as amended from time to time, the provisions of CMP Regulation 2 shall not apply to the acceptance of deliveries of controlled materials which are segregated on the books of the operator for emergency repairs, provided such deliveries have been authorized pursuant to Preference Rating Order P-142.

Issued this 3d day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-6929; Filed, May 3, 1943; 11:41 a. m.]

PART 3203—MATERIAL ENTERING INTO THE PRODUCTION OF MAINTENANCE EQUIPMENT FOR PASSENGER AUTOMOBILES, LIGHT, MEDIUM AND HEAVY MOTOR TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, PASSENGER CARRIERS, AND OFF-THE-HIGHWAY MOTOR VEHICLES

[Limitation Order L-270 as Amended May 3, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain criti-

cal materials used in the manufacture of automotive maintenance equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3203.1 *Limitation Order L-270—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture or assembly of any automotive maintenance equipment.

(3) "Automotive maintenance equipment" means the items listed on Schedules A, B, and C, to this order, as the same may be amended from time to time, which are manufactured or assembled for automotive repair usage.

(4) "Automotive repair usage" means repairing, reconditioning, rebuilding, renewing, servicing, or maintaining automotive vehicles or parts of automotive vehicles.

(5) "Automotive vehicles" means passenger automobiles, light, medium and heavy motor trucks, truck tractors, truck trailers, passenger carriers, and off-the-highway motor vehicles.

(6) "Original equipment" means any automotive maintenance equipment produced for or purchased by manufacturers of automotive vehicles for shipment with such vehicles and included in the manufacturer's sales price of the automotive vehicle.

(c) *Restrictions on production.* On and after April 30, 1943:

(1) No producer shall manufacture or assemble any automotive maintenance equipment listed in Schedule A.

(2) No producer shall manufacture or assemble in any calendar quarter any item of automotive maintenance equipment listed in Schedule B in excess of twenty (20) per cent of the number of like items of automotive maintenance equipment sold by him for other than original equipment in the corresponding calendar quarter of 1941.

(i) In the event that the limitation imposed by paragraph (c) (2) should result in restricting production, in any calendar quarter, to less than his minimum practical factory run of any item of automotive maintenance equipment listed in Schedule B, a producer may, notwithstanding the provision of paragraph (c) (2), produce a minimum practical factory run, provided that his dollar volume of sales of such item, in any calendar quarter shall not exceed twenty (20) per cent of the total dollar volume of his sales of such item in the corresponding calendar quarter of 1941. But in no event may his production of such items during three consecutive calendar quarters exceed twenty (20) per cent of his production of such items during the three corresponding calendar quarters of 1941.

(3) No producer shall manufacture or assemble in any calendar quarter any item of automotive maintenance equipment listed in Schedule C in excess of seventy-five (75) per cent of the number of like items of automotive maintenance equipment sold by him for other than original equipment in the corresponding calendar quarter of 1941.

(4) No producer shall manufacture or assemble in any calendar quarter a dollar volume of repair or replacement parts for automotive maintenance equipment in excess of ten (10) per cent of the total dollar volume of automotive maintenance equipment sold by him in the corresponding calendar quarter of 1941.

(5) No producer shall use any aluminum, copper products, copper base alloy products, steel, or other critical materials in the manufacture of automotive maintenance equipment where the use of less critical material is practicable, and when so used such aluminum, copper products, copper base alloy products, steel, or other critical materials shall be reduced to the minimum quantity and grade necessary for the proper operation of the automotive maintenance equipment.

(6) [Revoked April 29, 1943]

(d) *Restriction on sales by producers.* No producer shall sell, transfer or deliver to any person any automotive maintenance equipment except pursuant to orders bearing a preference rating of AA-5 or higher; *Provided:* That the provisions of this paragraph (d) shall not apply to repair parts for automotive maintenance equipment.

(e) *Exceptions to applicability of this order.* (1) The terms and restrictions of paragraphs (c) (1), (2), (3), and (4) of this order shall not apply to automotive maintenance equipment sold to or produced under contracts or orders for delivery to or for the account of the United States Army, Navy, Maritime Commission or the War Shipping Administration.

(2) The terms and restrictions of paragraphs (c) (2), (3) and (4) shall not apply to any automotive maintenance equipment sold to or produced under contracts or orders for delivery to or for the account of:

(i) The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia;

(iii) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(f) *Records.* All persons affected by this order shall keep and preserve for

not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Appeals.* Any appeal from the provisions of this order may be made by filing Form PD-500 in triplicate with the Automotive Division, War Production Board, stating therein the information called for.

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington, D. C. Reference: Order L-270.

Issued this 3d day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary

SCHEDULE A

Air towers.
Alignment machines (in excess of 500 pounds gross weight).
Analyzers, combustion.
Battery boosters.
Battery carrier straps (metal except post lugs).
Battery chargers, fast type.
Battery chargers, trickle type (except industrial installation).
Body and fender tools (hand, pneumatic, hydraulic, or electric operated).
Brake testing machines.
Car Washers.
Crawlers (metal except casters).
Degreasing machines.
Distributor setting machines, synchrograph type.
Dynamometers, chassis.
Engine Cleaners (internal or external).
Frame Straightening Racks.
Frame straightening machines.
Front end combination inspection and/or Correction Machines (in excess of 500 pounds gross weight).
Gasoline mileage testers.
Headlight testers.
Jacks, service—portable type, mechanical or hydraulic (except three, five, eight, twelve, and twenty ton capacity).
Jacks, shop—wheel type, mechanical or hydraulic (except four and ten ton capacity).
Lifts—electric, hydraulic, pneumatic (excepting jacks).
Motor analyzers.
Motor repair stands (metal).
Scuff Detectors (in excess of 55 pounds metal content).

Tire air pressure gauges (except pencil type and truck service type).
Tire pumps, hand operated (except with 1½" x 20" barrel, flat base and two ply hose).
Wheel balancers.
Wheel dollies (metal).

SCHEDULE B

NOTE: Items "Battery testing clips," "Fuel pump testers," "Master air gauges," and "Tire valve service tools" were added, and "Battery chargers . . ." amended May 3, 1943.

Alignment machines (metal content, 500 pounds or less)
Air chucks
Axle bending bars
Battery cell testers (prong type)
Battery chargers (wall type, six battery or over capacity)
Battery charging clips
Battery fillers
Battery jumpers
Battery testing clips
Brake fillers
Brake lining appliers
Brake riveters
Brake shoe gauges
Cam angle meters
Camber gauges
Caster gauges
Circuit testers
Cleaners, steam or vapor
Coil testers
Condenser testers
Front axle straighteners (metal content, 450 pounds or less)
Front end combination inspection and/or correction machines (metal content, 500 pounds or less)
Fuel pump testers
Horses or trestles (metal)
Hydraulic rams
Jacks, push-pull (hydraulic or mechanical)
Jacks, shop-wheel type, hydraulic or mechanical (four and ten ton capacity)
Master air gauges
Piston expanders
Piston ring compressors
Ring groove cleaning tools
Scuff detectors (metal content, 55 pounds or less)
Spark plug gauges
Spark plug cleaners
Spark plug tire pumps
Spark plug tire pump adapters
Tire pumps, foot operated
Tire pumps, hand operated (1½" x 20" barrel, flat base and two ply hose)
Tire pumps, automobile engine operated
Tire valve service tools
Toe-in gauges
Turning radius plates
Wrecking cranes
Wheel straighteners

SCHEDULE C

NOTE: Item "Valve seat grinders" was added May 3, 1943.

Air pressure gauges (Pencil type and truck service type)
Align reamers
Anti-freeze testers
Battery hydrometers
Brake drum gauges
Brake drum grinders
Brake drum lathes
Clutch rebuilders
Compressor gauges
Connecting rod aligners
Connecting rod grinders
Connecting rod reamers
Crankshaft grinders
Cylinder boring bars
Cylinder grinders
Cylinder hones
Cylinder ridge reamers
Jacks, service—Portable type, hydraulic or mechanical (three, five, eight, twelve and twenty ton capacity)

Main bearing boring equipment
Piston grinders
Piston pin grinders
Piston pin hones
Piston pin reamers
Pressure plate grinders
Ring gear riveters
Timing lights
Tire air pressure gauges (Pencil type and truck service type)
Transmission jacks
Vacuum gauges
Valve grinders
Valve guide reamers
Valve refacers
Valve seat grinders
Valve seat insert tools
Valve seat insert grinders
Valve seat reamers

[F. R. Doc. 43-6930; Filed, May 3, 1943;
11:40 a. m.]

Chapter XI—Office of Price Administration

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[MPR 145, Amendment 5]

PICKLED SHEEPSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 145 is amended in the following respects:

1. Section 1314.153 is amended to read as follows:

§ 1314.153 *Maximum prices for resales by tanners.* (a) The maximum price for resales of pickled sheepskins by tanners or persons having skins tanned for their own account shall be computed as follows:

(1) For the resale of skins which were purchased on a grade basis or a run basis and are resold on the same basis the maximum price shall be the grade price or the run price actually paid therefor, as the case may be, plus the freight charges actually paid thereon from production point to the seller's point of shipment in the case of domestic pickled sheepskins, or from the United States port of entry to the seller's point of shipment in the case of imported pickled sheepskins.

For the purpose of this paragraph a resale "on a run basis" means a resale of the entire run of skins originally purchased or a part thereof, the grade composition of which is in the same proportions as in the run originally purchased.

(2) For all other resales of skins, a price determined in accordance with § 1314.151 or § 1314.164, whichever is applicable.

(b) The provisions of §§ 1314.154 and 1314.158 (c) relating to the availability to purchasers of maximum price lists and the submission to the Office of Price Administration of data relating to base period sales, shall not be applicable to resales by tanners or persons having skins tanned for their own account.

2. Section 1314.161 (a) (6) is added to read as follows:

*Copies may be obtained from the Office of Price Administration.

† 7 F.R. 3746, 3889, 5771, 5835, 8948, 11074.

(6) "Subject to arrival" refers to pickled sheepskins which are actually loaded on a vessel destined for the United States.

3. Section 1314.164 (c) is added to read as follows:

(c) *Maximum prices for resales of New Zealand pickled sheepskins by grades in original casks.* The maximum price for any grade of New Zealand pickled lamb or sheepskins, except North Island sheepskins, which are sold by a domestic reseller in the original casks, shall be a price determined in the following manner:

Step 1. Determine for each brand the percentage of skins of each grade in the original lot of skins imported from New Zealand.

Step 2. Multiply the percentage of each grade therein by the appropriate grade factor for each grade set forth in the table below.

Step 3. Add together, for each brand, the results obtained in Step 2 and subtract from the sum thereof the maximum price per dozen skins for the applicable brand set forth in Column B of § 1314.164 (b).

Step 4. Reduce each grade factor by the difference obtained in Step 3. These are the applicable maximum prices for each grade, c. and f. port of entry.

EXAMPLE

Brand—Islington (Column "B" price of \$5.50).

Step 1. Percentage of skins of each grade in the lot

XXX Super lambs	60%
XX 1st lambs	5%
X 2nd lambs	35%

Step 2.	10.00 × 60%	6.000
	8.00 × 5%	.400
	8.50 × 35%	2.975

9.375

Step 3. 9.375—5.50 = 3.875

Step 4. XXX Super lambs 10.00—3.875

= \$6.125 maximum price.

XX 1st lambs 8.00—3.875

= \$4.125 maximum price.

X 2nd lambs 8.50—3.875

= \$4.625 maximum price.

NOTE: The result of this formula is to make the seller's net return from the sale of the skins the same whether they are sold on a flat run basis or by individual grades.

TABLE OF GRADE FACTORS FOR BRANDS OF NEW ZEALAND PICKLED LAMB AND SHEEPSKINS

The table below sets forth the grade factors for each brand of New Zealand pickled lamb and sheepskins except North Island sheepskins. This is not a table of maximum prices.

Lambskins

1. Westfield:	
5X1	10.00
5X2	9.50
4X1	9.25
4X2	8.75
3X1	8.25
3X2	7.75
2X1	6.75
2X2	6.25
H1	6.50
H2	3.25

2. Patea:	
5X1	10.00
5X2	9.50
4X1	9.25
4X2	8.75
2X1	8.25
3X2	7.75
2X1	6.75
2X2	6.25
H1	6.75
H2	3.50

Lambskins—Continued

3. Tomoana:	
5X1	10.00
5X2	9.50
4X1	9.25
4X2	8.75
3X1	8.25
3X2	7.75
2X1	6.75
2X2	6.25
X2	5.25
H1	6.50
J	6.50

4. Gear:	
XXXX Lambs	10.00
Super Lambs	9.50
1st Lambs	8.25
1st M Lambs	8.25
2nd Lambs	7.50

5. Waitara:	
Ex. Hvy. Lambs	10.00
Ex. Hvy. B Lambs	8.75
Super Lambs	8.75
1st Lambs	8.00
2nd Lambs	7.50

6. W. M. E.:	
Super Lambs	10.00
1st Lambs	8.25
2nd Lambs	8.25

7. Longburn:	
Super Lambs	10.00
1st Lambs	8.00
2nd Lambs	8.50

8. Fielding:	
XXX Sup. Lambs	10.00
XX 1st Lambs	8.25
X 2nd Lambs	8.25

9. Waingawa:	
XXX Sup. Lambs	10.00
XX 1st Lambs	8.25
X 2nd Lambs	8.25

10. Imlay:	
XXX Lambs	10.00
XX Lambs	8.25
X Lambs	8.25

11. Patea Clients:	
XXX Ex. Sup. Lambs	10.00
XX Ex. Sup. Lambs	9.50
X 1st Sup. Lambs	9.00
H 2nd	7.25

12. Hellaby:	
Ex. Sup. Lambs	10.00
Sup. Lambs	9.50
1st Lambs	8.50
B1 Lambs	8.50
2nd Lambs	7.00

13. H. B. M. C.:	
Extra Lambs	10.00
Super Lambs	9.25
1st Lambs	7.25
2nd A Lambs	7.25
2nd Lambs	6.50

14. Tomoana Clients:	
XXX Sup. Lambs	10.00
XX 1st Lambs	9.00
X 2nd Lambs	8.00

15. A. F. F. Co. (S-H-M Comb.):	
Ex. Sup. Lambs	10.00
Super Lambs	9.25
1st Lambs	7.50
2nd A Lambs	7.50
2nd Lambs	6.50

16. Kaiti:	
XXX Sup. Lambs	10.00
XX 1st Lambs	9.50
X 2nd Lambs	8.00

17. Toko:	
XXX Sup. Lambs	10.00
XX 1st Lambs	9.50
X 2nd Lambs	8.00

Lambskins—Continued

18. Wairoa:	
XXX L. Ex. Sup. Lambs.....	10.00
XXL Sup. Lambs.....	9.50
XL 1st Lambs.....	7.75
M. L. Pinhole Lambs.....	7.75
E. L. 2nd Lambs.....	7.25
19. Picton:	
XXX Lambs.....	10.00
XX Lambs.....	8.00
X Lambs.....	8.50
20. Nelson:	
X Lambs.....	10.00
Sup. Lambs.....	9.50
1st Lambs.....	8.50
1st M Lambs.....	8.50
2nd Lambs.....	8.00
21. S. O. F. Co.:	
XXXX Sup. Lambs.....	10.00
XXX 1st Lambs.....	9.25
XX 2nd Lambs.....	8.00
4XAL 1st Cockle.....	8.00
3XAL 2nd Cockle.....	7.00
22. C. F. M.:	
Super Lambs.....	10.00
1st Lambs.....	9.00
2nd Lambs.....	8.00
23. Islington:	
XXX Sup. Lambs.....	10.00
XX 1st Lambs.....	8.00
X 2nd Lambs.....	8.50
24. T. B. & S. Canterbury:	
XXXX Sup. Prime Lambs.....	10.00
XX 1st Lambs.....	7.75
X 2nd Lambs.....	8.25
25. N. C. F.:	
XXX Super Lambs.....	10.00
XX 1st Lambs.....	7.75
X 2nd Lambs.....	8.25
26. Wallacetown:	
XXXX Lambs.....	10.00
XXX Lambs.....	8.25
XX Lambs.....	7.25
XXXXP Lambs.....	8.00
X Lambs.....	7.50
27. R. W. Gore:	
Super Lambs.....	10.00
XXXX Lambs.....	9.50
XXX Lambs.....	7.75
XXXXP Lambs.....	7.50
X Lambs.....	7.00
28. Ocean Beach:	
Special 1st Lambs.....	10.00
Sup. 1st Lambs.....	9.00
XXX 1st Lambs.....	7.25
Special 2nd Lambs.....	7.75
Sup. 2nd Lambs.....	7.25
XXX 2nd Lambs.....	6.50

Sheepskins (South Island)

1. Picton:	
XXXH.....	10.00
XXX.....	9.00
XXH.....	9.00
XX.....	7.25
XH.....	7.75
X.....	6.50
2. Nelson:	
XXXH.....	10.00
XXXL.....	9.00
XXH.....	9.00
XXL.....	7.25
XH.....	7.75
XL.....	6.50
3. S. O. F. Co.:	
XXXXS.....	10.00
XXXS.....	9.00
XXXAS.....	9.00
XXXBS.....	7.25
XXHS.....	7.75
XXBS.....	6.50

Sheepskins (South Island)—Continued

4. CFM:	
Sup. Heavy (A).....	10.00
Sup. Light (B).....	9.00
1st Heavy (C).....	9.00
1st Light (D).....	7.00
Seconds (E).....	7.00
5. Islington:	
XXXH.....	10.00
XXX.....	9.00
XX.....	7.00
X.....	7.00
6. T. B. & S. Canterbury:	
XXXH.....	10.00
XXX.....	9.00
XX.....	7.00
X.....	7.00
7. N. C. F.:	
XXXH.....	10.00
XXX.....	9.00
XX.....	7.00
X.....	7.00
8. Wallacetown:	
XXXH.....	10.00
XXX.....	9.00
XX.....	7.50
X.....	7.00
9. R. W. Gore:	
XXXX.....	10.00
XXX.....	9.00
XX.....	7.50
X.....	7.00
XHB.....	3.00
10. Ocean Beach:	
Extra Heavy 1st.....	10.00
Heavy 1st.....	9.50
Medium 1st.....	8.50
Light 1st.....	6.50
Heavy 2nd.....	7.50
Medium 2nd.....	6.50
Light 2nd.....	5.50

4. Section 1314.164 (d) is added to read as follows:

(d) *Maximum prices for domestic resales of New Zealand pickled sheepskins not in original casks.* The maximum price for any lot of New Zealand pickled lamb or sheepskins sold by a domestic reseller not in the original casks shall be a price in line with the general level of New Zealand pickled sheepskin prices established by this regulation giving consideration to the relative market value of comparable grades, qualities and types of New Zealand pickled sheepskins: *Provided*, That the maximum price for any such lot shall be submitted to the Office of Price Administration before such lot is sold, together with a description of the manner in which such maximum price was computed. In the event that a price so computed is deemed to be in excess of the general level of New Zealand pickled sheepskin prices established by this regulation, giving consideration to relative market value of comparable grades, qualities and types of New Zealand pickled sheepskins, the Office of Price Administration will issue an order specifying the maximum price for such grade.

This amendment shall become effective May 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6771; Filed, April 30, 1943;
12:25 p. m.]

PART 1305—ADMINISTRATIVE

[Gen. RO 4; Amendment 1]

TERRITORIAL LIMITATION AND BOARDS' JURISDICTION

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order 4 is amended in the following respects:

1. Section 1305.39 (a) is amended to read as follows:

§ 1305.39 *Territorial limitation and Boards' jurisdiction*—(a) *Territorial limitations.* Except as otherwise provided therein, all ration orders and regulations shall be effective throughout the forty-eight states of the United States and the District of Columbia. Ration Order No. 4A (Typewriters) and Revised Ration Order No. 7 (New Adult Bicycles) shall be effective also in the territories and possessions of the United States. The revised tire rationing regulations shall be effective only in the territories and possessions of the United States.

2. Section 1305.39 (c) is amended to read as follows:

(c) *Jurisdiction of Board.* A war price and rationing board shall have jurisdiction over the territory and persons assigned to it and shall have the power to perform the functions assigned to it in each ration order and regulation.

This amendment shall become effective May 6, 1943.

(Pub. Law No. 507, 77th Cong., 2d Sess.; WPB Dir. No. 1, 7 F.R. 562; E.O. 9125, 7 F.R. 2719; Food Dir. No. 3, Sec. of Agr., 8 F.R. 2005)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6777; Filed, April 30, 1943;
3:19 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 45; Amendment 4]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraphs (5)* and (7) of paragraph (a) of § 1388.8051 of Maximum Rent Regulation No. 45 are hereby amended to read as follows:

§ 1388.8051 *Scope of regulation.*
(a) * * *

(5) The Pensacola Defense-Rental Area, consisting of the Counties of Escambia and Santa Rosa, in the State of Florida: *Provided, however*, That with respect to that portion of the Pensacola Defense-Rental Area consisting of the County of Escambia, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean September 1, 1942, and that

*Copies may be obtained from the Office of Price Administration.

18 F.R. 1963.

17 F.R. 6641, 6827, 7404, 7534, 7668, 8505, 8506, 8507, 9784, 9821, 10845, 11115; 8 F.R. 2108, 2194, 2673, 2780, 3734.

with respect to the remaining portion of the Pensacola Defense-Rental Area, consisting of the County of Santa Rosa, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean May 1, 1943, and also with respect to the remaining portion of the Pensacola Defense-Rental Area, consisting of the County of Santa Rosa, the words "October 20, 1942" and "December 1, 1942" in this maximum rent regulation shall mean May 1, 1943.

(7) The Brunswick Defense-Rental Area, consisting of the Counties of Brantley, Camden, Glynn, McIntosh, Ware and Wayne, in the State of Georgia: *Provided, however*, That with respect to that portion of the Brunswick Defense-Rental Area consisting of the Counties of Brantley, Camden, Glynn, McIntosh and Wayne, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean September 1, 1942, and that with respect to the remaining portion of the Brunswick Defense-Rental Area, consisting of the County of Ware, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean May 1, 1943, and also with respect to the remaining portion of the Brunswick Defense-Rental Area, consisting of the County of Ware, the words "October 20, 1942" and "December 1, 1942" in this maximum rent regulation shall mean May 1, 1943.

§ 1388.8064a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1388.8051 (a)) to Maximum Rent Regulation No. 45 shall be effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6801; Filed, April 30, 1943; 3:23 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 46A, Amendment 4]

HOTELS AND ROOMING HOUSES

Subparagraphs (5) and (7) of paragraph (a) of § 1388.9001 of Maximum Rent Regulation No. 46A are hereby amended to read as follows:

§ 1388.9001 *Scope of regulation.* (a)

(5) The Pensacola Defense-Rental Area, consisting of the Counties of Escambia and Santa Rosa, in the State of Florida: *Provided, however*, That with respect to that portion of the Pensacola Defense-Rental Area consisting of the County of Escambia, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean September 1, 1942, and that with respect to the remaining portion of the Pensacola Defense-Rental Area, consisting of the County of Santa Rosa, the words "the effective date of this maxi-

mum rent regulation" in this maximum rent regulation shall mean May 1, 1943, and also with respect to the remaining portion of the Pensacola Defense-Rental Area, consisting of the County of Santa Rosa, the words "October 19, 1942" and "December 1, 1942" in this maximum rent regulation shall mean May 1, 1943.

(7) The Brunswick Defense-Rental Area, consisting of the Counties of Brantley, Camden, Glynn, McIntosh, Ware and Wayne, in the State of Georgia: *Provided, however*, That with respect to that portion of the Brunswick Defense-Rental Area consisting of the Counties of Brantley, Camden, Glynn, McIntosh and Wayne, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean September 1, 1942, and that with respect to the remaining portion of the Brunswick Defense-Rental Area, consisting of the County of Ware, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean May 1, 1943, and also with respect to the remaining portion of the Brunswick Defense-Rental Area, consisting of the County of Ware, the words "October 19, 1942" and "December 1, 1942" in this maximum rent regulation shall mean May 1, 1943.

§ 1388.9014a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1388.9001 (a)) to Maximum Rent Regulation No. 46A shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6802; Filed, April 30, 1943; 3:23 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 53, Amendment 9]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraphs (11) and (48) of paragraph (a) of § 1388.281 of Maximum Rent Regulation No. 53 are hereby amended to read as follows:

§ 1388.281 *Scope of regulation.* (a)

(11) The Tallahassee Defense-Rental Area, consisting of the Counties of Leon and Wakulla, in the State of Florida: *Provided, however*, That with respect to that portion of the Tallahassee Defense-Rental Area consisting of the County of Leon, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Tallahassee Defense-Rental Area, consisting of the County of Wakulla, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean May 1, 1943, and also with respect to the remaining portion of

the Tallahassee Defense-Rental Area, consisting of the County of Wakulla, the words "December 1, 1942" in this maximum rent regulation shall mean May 1, 1943.

(48) The Columbus, Ohio Defense-Rental Area, consisting of the Counties of Franklin and Licking, in the State of Ohio: *Provided, however*, That with respect to that portion of the Columbus, Ohio Defense-Rental Area consisting of the County of Franklin, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Columbus, Ohio Defense-Rental Area, consisting of the County of Licking, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean May 1, 1943, and also with respect to the remaining portion of the Columbus, Ohio Defense-Rental Area, consisting of the County of Licking, the words "December 1, 1942" in this maximum rent regulation shall mean May 1, 1943.

§ 1388.294a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1388.281 (a)) to Maximum Rent Regulation No. 53 shall be effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6778; Filed, April 30, 1943; 3:23 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 54A, Amendment 8]

HOTELS AND ROOMING HOUSES

Subparagraphs (11) and (48) of paragraph (a) of § 1388.331 of Maximum Rent Regulation No. 54A are hereby amended to read as follows:

§ 1388.331 *Scope of regulation.* (a)

(11) The Tallahassee Defense-Rental Area, consisting of the Counties of Leon and Wakulla, in the State of Florida: *Provided, however*, That with respect to that portion of the Tallahassee Defense-Rental Area consisting of the County of Leon, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Tallahassee Defense-Rental Area, consisting of the County of Wakulla, the words "the effective date of this maximum rent regulation" shall mean May 1, 1943, and also with respect to the remaining portion of the Tallahassee Defense-Rental Area, consisting of the County of Wakulla, the words "December 1, 1942" in this maximum rent regulation shall mean May 1, 1943.

(48) The Columbus, Ohio Defense-Rental Area, consisting of the Counties

¹ 7 F.R. 6645, 6827, 8479, 8507, 8830, 9082, 9783, 9820, 11115; 8 F.R. 434, 569, 3057.

¹ 7 F.R. 8596, 9784, 9821, 10717, 10845, 11115; 8 F.R. 123, 1027, 1230, 1231, 2108, 2673, 2780, 3734.

¹ 7 F.R. 8602, 9783, 9820, 10717, 11115; 8 F.R. 124, 434, 569, 1028, 1231, 1232, 3057.

of Franklin and Licking, in the State of Ohio: *Provided, however,* That with respect to that portion of the Columbus, Ohio Defense-Rental Area consisting of the County of Franklin, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Columbus, Ohio Defense-Rental Area, consisting of the County of Licking, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean May 1, 1943, and also with respect to the remaining portion of the Columbus, Ohio Defense-Rental Area, consisting of the County of Licking, the words "December 1, 1942" in this maximum rent regulation shall mean May 1, 1943.

§ 1388.344a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§ 1388.331 (a)) to Maximum Rent Regulation No. 54A shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6779; Filed, April 30, 1943;
3:23 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 60, Amendment 1]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The preamble and § 1388.781 (a) of Maximum Rent Regulation No. 60 are hereby amended to read as follows:

By a designation and rent declaration issued by the Administrator on October 5, 1942, the Administrator designated as defense-rental areas certain localities including the Nebraska Defense-Rental Area, consisting of that portion of the State of Nebraska not theretofore designated by the Administrator as part of any defense-rental area. Since the issuance of the said designation and rent declaration, the number of removals of tenants from possession, by means of evictions, actions to evict, and notices to quit or vacate sharply increased in that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay. The purpose and effect of such removals of tenants from possession was to increase the rents of the housing accommodations involved.

In the judgment of the Administrator, such increased removals of tenants from possession constituted speculative or manipulative practices or renting or leasing practices which were equivalent to or likely to result in rent increases inconsistent with the purposes of the Emergency Price Control Act of 1942. Accordingly, the Administrator under the authority vested in him by the Act, issued eviction Regulation No. 1, effective

November 6, 1942, in the said portion of the Nebraska Defense-Rental Area.

In the judgment of the Administrator, rents for housing accommodations within the said portion of the Nebraska Defense-Rental Area have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration issued October 5, 1942.

The Administrator is accordingly issuing this Maximum Rent Regulation No. 60 for housing accommodations in the said portion of the Nebraska Defense-Rental Area. This Maximum Rent Regulation No. 60 includes provisions with respect to the removal of tenants from possession. These provisions take the place of similar provisions in the said Eviction Regulation No. 1. The Administrator is therefore revoking the said Eviction Regulation No. 1.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said portion of the Nebraska Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the said portion of the Nebraska Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for housing accommodations within the said portion of the Nebraska Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Administrator it is necessary to change the name of the Defense-Rental Area known as "that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay" to the name "Hastings Defense-Rental Area" to simplify references to this Defense-Rental Area. The Administrator is accordingly amending this Maximum Rent Regulation No. 60 to substitute the name "Hastings Defense-Rental Area" for the words "that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay."

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 60 is hereby issued.

§ 1388.781 *Scope of regulation.* (a) This Maximum Rent Regulation No. 60 applies to all housing accommodations within the Hastings Defense-Rental Area (consisting of the Counties of Adams and Clay), as designated in the designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) issued by the Administrator on October 5,

1942, except as provided in paragraph (b) of this section.

This amendment shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6780; Filed, April 30, 1943;
3:22 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 61A, Amendment 1]

HOTELS AND ROOMING HOUSES

The preamble and § 1388.831 (a) of Maximum Rent Regulation No. 61A are hereby amended to read as follows:

In the judgment of the Administrator, rents for housing accommodations within that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay, designated in the designation and rent declaration issued by the Administrator on October 5, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said portion of the Nebraska Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the said portion of the Nebraska Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for rooms in hotels and rooming houses within the said portion of the Nebraska Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Administrator it is necessary to change the name of the Defense-Rental Area known as "that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay" to the name "Hastings Defense-Rental Area" to simplify references to this Defense-Rental Area. The Administrator is accordingly amending this Maximum Rent Regulation No. 61A to substitute the name "Hastings Defense-Rental Area" for the words "that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay."

Therefore, under the authority vested in the Administrator by the Act, this

17 F.R. 10456, 11115; 8 F.R. 434, 569, 3057.

17 F.R. 10448, 10845, 11115; 8 F.R. 2108, 2673, 2780, 3734.

Maximum Rent Regulation No. 61A is hereby issued.

§ 1388.831 *Scope of regulation.* (a) This Maximum Rent Regulation No. 61A applies to all rooms in hotels and rooming houses within the Hastings Defense-Rental Area (consisting of the Counties of Adams and Clay), as designated in the designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) issued by the Administrator on October 5, 1942, except as provided in paragraph (b) of this section.

This amendment shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6781; Filed, April 30, 1943;
3:22 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 66]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the defense-rental areas and the portion of a defense-rental area set out in § 1388.1081 (a) of this maximum rent regulation, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, June 3, 1942, and October 5, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such defense-rental area or portion of a defense-rental area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such defense-rental area or portion of a defense-rental area on or about March 1, 1942. The Administrator has given due consideration to such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for housing accommodations within each such defense-rental area or portion of a defense-rental area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 66 is hereby issued.

AUTHORITY: §§ 1388.1081 to 1388.1094, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1081 *Scope of regulation.* (a) This Maximum Rent Regulation applies to all housing accommodations within each of the following defense-rental areas and the following portion of a defense-rental area (each of which is referred to hereinafter in this Maximum Rent Regulation as the "defense-rental area"), as designated in the designations and rent declarations (§§ 1388.1201 to 1388.1205, 1388.1301 to 1388.1205 and 1388.1341 to 1388.1345, inclusive) issued by the Administrator on April 28, 1942,¹ June 3, 1942,² and October 5, 1942,³ as amended, except as provided in paragraph (b) of this section.

(1) The Lake City Defense-Rental Area, consisting of the County of Columbia, in the State of Florida.

(2) The Boise Defense-Rental Area, consisting of the Counties of Ada and Elmore, in the State of Idaho.

(3) The Kankakee Defense-Rental Area, consisting of the County of Kankakee, in the State of Illinois.

(4) The La Salle County Defense-Rental Area, consisting of the County of La Salle, in the State of Illinois.

(5) The Dodge City Defense-Rental Area, consisting of the Counties of Finney, Ford and Gray, in the State of Kansas.

(6) The Hutchinson Defense-Rental Area, consisting of the County of Reno, in the State of Kansas.

(7) That portion of the Centreville Defense-Rental Area consisting of the Counties of Adams, Amite, Pike and Wilkinson, in the State of Mississippi.

(8) The Kearney Defense-Rental Area, consisting of the County of Buffalo, in the State of Nebraska.

(9) The Southern Pines Defense-Rental Area, consisting of the County of Moore, in the State of North Carolina.

(10) The Clinton-Elk City Defense-Rental Area, consisting of the Counties of Beckham, Custer, and Washita, in the State of Oklahoma.

(11) The Florence Defense-Rental Area, consisting of the County of Florence, in the State of South Carolina.

(12) The Bryan Defense-Rental Area, consisting of the County of Brazos, in the State of Texas.

(13) The Del Rio Defense-Rental Area, consisting of the Counties of Kinney, Uvalde and Val Verde, in the State of Texas.

(14) The Lubbock Defense-Rental Area, consisting of the County of Lubbock, in the State of Texas.

¹ 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228.

² 7 F.R. 4232; 8 F.R. 1228, 1748.

³ 7 F.R. 7942; 8 F.R. 122, 1229, 1749.

(b) This maximum rent regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the maximum rent regulation for hotels and rooming houses pursuant to the provisions of that regulation.

(4) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises: *Provided*, That this maximum rent regulation does apply to entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, whether or not used by the lessee, sublessee or other tenant as a hotel or rooming house: *And provided further*, That this maximum rent regulation does apply to an underlying lease of any entire structure or premises which was entered into after March 1, 1942, and prior to the effective date of this maximum rent regulation, while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease.

(5) Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however*, That this maximum rent regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(6) Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis, which were not rented during any portion of the period beginning on November 1, 1942 and ending on March 31, 1943.

The exemption provided by this paragraph (b) (6) shall be effective only from June 1, 1943 to September 30, 1943, inclusive.

(c) The provision of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy

prior to the effective date of this maximum rent regulation.

§ 1388.1082 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation 66 of any housing accommodations within the defense-rental area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) Notwithstanding any other provision of this maximum rent regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the area rent office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within five days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this maximum rent regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this maximum rent regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this maximum rent regulation. After entry of such order, the provisions of the

lease may be enforced in accordance with law, notwithstanding any other provision of this maximum rent regulation; *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.1086 of this maximum rent regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this maximum rent regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments there-in provided as payments on or for the option to buy.

§ 1388.1083 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.1085 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings, and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings, and equipment not substantially less than those provided on such date: *Provided, however,* That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.1084 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.1085) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942, nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation 66, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.1085 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942, and before the effective date of this maximum rent regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.1085 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this maximum rent regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942, and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.1087. The Administrator may, order a decrease in the maximum rent as provided in § 1388.1085 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.1085 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this maximum rent regulation.

§ 1388.1085 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change. In all other cases, except those under paragraph (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraph (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation 66 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the

housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings, or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942: *Provided,* That no adjustment under this subparagraph increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) There has been, since March 1, 1942, either (i) a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant, or (ii) a substan-

tial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on March 1, 1942, or (iii) an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for housing accommodations are less than the minimum services required by § 1388.1083, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by § 1388.1083, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except, as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings, or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.1085 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings, or equipment or after the effective date of this maximum rent reg-

ulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraph (c), (d), (e), or (g) of § 1388.1084 is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings, or equipment required by § 1388.1083 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(7) There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (3) of this section.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(e) Where housing accommodations or a predominant part thereof are occu-

pied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this maximum rent regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this maximum rent regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations, which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on March 1, 1942.

§ 1388.1086 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered

into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension of renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation 66; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodations is used by the tenant as his own dwelling.

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of this maximum rent regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the administrator certifies that

the landlord may pursue his remedies in accordance with the requirements of the local law. The administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant of the vendor, for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this maximum rent regulation, is inconsistent with the purposes of the Act and this maximum rent regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33 1/3% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate.

In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this maximum rent regulation, unless he finds (i) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or (ii) that other special hardship would result, or (iii) that equivalent accommodations are available for rent, into which the tenant can move without substantial hardship or loss; under such circumstances the payment by the purchaser of 33 1/3% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate may authorize the vendor or purchaser, either immediately or at the expiration of three months, to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) (1) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the land-

lord and the subtenant or other such occupant.

(2) The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(3) The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the area rent office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days (or, where the ground for removal or eviction is non-payment of rent, the period required by the local law for notice prior to the commencement of an action for removal or eviction in such cases, but in no event less than three days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1383.1087 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation 66, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in tripli-

cate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this maximum rent regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof, on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.1084 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.1088 *Inspection.* Any person who rents or offers for rent or acts as broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.1089 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation 66 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage,

or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.1090 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation 66 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.1091 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation 66 shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

§ 1388.1092 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation 66 may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

§ 1388.1093 *Definitions.* (a) When used in this Maximum Rent Regulation 66:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "area rent office" means the office of the Rent Director in the defense-rental area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other

privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.1094 *Effective date of the regulation.* This Maximum Rent Regulation 66 (§§ 1388.1081 to 1388.1094, inclusive), shall become effective May 1, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of April, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6782; Filed, April 30, 1943; 3:23 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 66, Amendment 1]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraph (14) of paragraph (a) of § 1388.1081 relating to the Lubbock Defense-Rental Area is hereby revoked.

This Amendment No. 1 shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6783; Filed, April 30, 1943; 8:21 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 66, Amendment 2]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraph (2) of paragraph (a) of § 1388.1081 relating to the Boise Defense-Rental Area is hereby revoked.

This Amendment No. 2 shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6809; Filed, April 30, 1943; 4:48 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 67A]

HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the defense-rental areas and the portion of a defense-rental area set out in § 1388.1131 (a) of this maximum rent regulation, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, June 3, 1942, and October 5, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such defense-rental area or portion of a defense-rental area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such defense-rental area or portion of a defense-rental area on or about March 1, 1942. The Administrator has given due consideration to such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for rooms in hotels and rooming houses within each such defense-rental area or portion of a defense-rental area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 67A is hereby issued.

AUTHORITY: §§ 1388.1131 to 1388.1144, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1131 *Scope of regulation.* (a) This maximum rent regulation applies to all rooms in hotels and rooming houses within each of the following defense-rental areas and the following portion of

a defense-rental area (each of which is referred to hereinafter in this maximum rent regulation as the "defense-rental area"), as designated in the designations and rent declarations (§§ 1388.1201 to 1388.1205, 1388.1301 to 1388.1305, 1388.1341 to 1388.1345, inclusive) issued by the Administrator on April 28, 1942,¹ June 3, 1942,² and October 5, 1942,³ as amended, except as provided in paragraph (b) of this section:

(1) The Lake City Defense-Rental Area, consisting of the County of Columbia, in the State of Florida.

(2) The Boise Defense-Rental Area, consisting of the Counties of Ada and Elmore, in the State of Idaho.

(3) The Kankakee Defense-Rental Area, consisting of the County of Kankakee, in the State of Illinois.

(4) The La Salle County Defense-Rental Area, consisting of the County of La Salle, in the State of Illinois.

(5) The Dodge City Defense-Rental Area, consisting of the Counties of Finney, Ford and Gray, in the State of Kansas.

(6) The Hutchinson Defense-Rental Area, consisting of the County of Reno, in the State of Kansas.

(7) That portion of the Centreville Defense-Rental Area consisting of the Counties of Adams, Amite, Pike and Wilkinson, in the State of Mississippi.

(8) The Kearney Defense-Rental Area, consisting of the County of Buffalo, in the State of Nebraska.

(9) The Southern Pines Defense-Rental Area, consisting of the County of Moore, in the State of North Carolina.

(10) The Clinton-Elk City Defense-Rental Area, consisting of the Counties of Beckham, Custer, and Washita, in the State of Oklahoma.

(11) The Florence Defense-Rental Area, consisting of the County of Florence, in the State of South Carolina.

(12) The Bryan Defense-Rental Area, consisting of the County of Brazos, in the State of Texas.

(13) The Del Rio Defense-Rental Area, consisting of the Counties of Kinney, Uvalde and Val Verde, in the State of Texas.

(14) The Lubbock Defense-Rental Area, consisting of the County of Lubbock, in the State of Texas.

(b) This maximum rent regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses;

(5) Rooms located in a resort community and customarily rented or occupied on a seasonal basis, which were not rented during any portion of the period beginning on November 1, 1942 and ending on March 31, 1943.

The exemption provided in this paragraph (b) (5) shall be effective only from June 1, 1943 to September 30, 1943, inclusive.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly, or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this maximum rent regulation. A landlord who so elects shall file a registration statement under this maximum rent regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this maximum rent regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this maximum rent regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the maximum rent regulation for housing accommodations other than hotels and rooming houses all housing accommodations previously brought under this maximum rent regulation by such election. He shall make such revocation by filing a registration statement or statements under the maximum rent regulation for housing accommodations other than hotels and rooming houses, including in such registration statement or statements all housing ac-

commodations brought under this maximum rent regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses.

§ 1388.1132 *Prohibition.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this maximum rent regulation of any room in a hotel or rooming house within the defense-rental area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) (1) No tenant shall be required to change his term of occupancy.

(2) Where, during June 1942, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during June 1942. However, if, during the year ending on June 30, 1942, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Administrator to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Administrator may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the Act or this maximum rent regulation or are likely to result in the circumvention or evasion thereof.

(3) Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during June 1942, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

¹ 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228.

² 7 F.R. 4232; 8 F.R. 1228, 1748.

³ 7 F.R. 7942; 8 F.R. 122, 1229, 1749.

(4) Where, since October 1, 1942, a room, cabin or similar accommodations in a tourist camp, cabin camp, auto court or similar establishment has been or is hereafter rented to the same tenant for a continuous period of 60 days or longer on a daily or weekly basis, the landlord shall offer such room, cabin or other accommodations for rent for a monthly term of occupancy, regardless of the provisions of subparagraph (2) of this paragraph. The room, cabin or other accommodations shall be offered for rent on a monthly basis for each number of occupants for which it is offered by the landlord for any other term of occupancy. Any tenant of such room, cabin or other accommodations on a daily or weekly basis shall on request be permitted by the landlord to change to a monthly term of occupancy.

Notwithstanding the provisions of § 1388.1134 (c) of this maximum rent regulation, if no maximum rent is established for such room, cabin or other accommodations for a monthly term of occupancy or for a particular number of occupants for such term, the Administrator on his own initiative may enter an order fixing the maximum rent for that term and number of occupants and specifying the minimum services. This maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

§ 1388.1133 *Minimum services, furniture, furnishings, and equipment.* Except as set forth in § 1388.1135 (b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent and as to other services, furniture, furnishings, and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.1134 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.1135) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each

term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.1135 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provided meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this maximum rent regulation.

§ 1388.1135 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided, further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for a room are less than the minimum services required by § 1388.1133 the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with a room are less than the minimum required by § 1388.1133, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings, and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.1135 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings

or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this maximum rent regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.1133 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

§ 1388.1136 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and

conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this maximum rent regulation; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on nonpayment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the area rent office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis: *Provided*, That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to § 1388.1132 (b) (3) or (4).

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(4) An occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.1137 Registration and records.

(a) Within 45 days after the effective date of this maximum rent regulation every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this maximum rent regulation under paragraphs (b) or (c) of § 1388.1134 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Within 45 days after the effective date of this maximum rent regulation, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.1134 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) (1) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (i) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under § 1388.1134 (c), and (iii) rooms rented and offered for rent on a weekly and monthly basis during June, 1942.

(2) Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 1388.1138 Inspection. Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

§ 1388.1139 Evasion. The maximum rents and other requirements provided in this maximum rent regulation shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.1140 Enforcement. Persons violating any provisions of this maximum rent regulation are subject to criminal penalties, civil enforcement actions, and suits for treble damages as provided for by the Act.

§ 1388.1141 Procedure. All registration statements, reports and notices provided for by this maximum rent regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

§ 1388.1142 Petitions for amendment. Persons seeking any amendment of general applicability to any provision of this maximum rent regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

* 8 F.R. 526, 1798, 3534.

§ 1388.1143 Definitions. (a) When used in this maximum rent regulation:

(1) The term "act" means the Emergency Price Control Act of 1942.

(2) The term "administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the administrator may appoint or designate to carry out any of the duties delegated to him by the act.

(3) The term "rent director" means the person designated by the administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the rent director by the administrator.

(4) The "area rent office" means the office of the rent director in the defense-rental area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.1144 *Effective date of the regulation.* This maximum rent regulation (§§ 1388.1131 to 1388.1144, inclusive) shall become effective May 1, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6795; Filed, April 30, 1943; 3:22 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 67A, Amendment 1]

HOTELS AND ROOMING HOUSES

Subparagraph (14) of paragraph (a) of § 1388.1131 relating to the Lubbock Defense-Rental Area is hereby revoked.

This Amendment No. 1 shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6796; Filed, April 30, 1943; 3:21 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Max. Rent Reg. 67A, Amendment 2]

HOTELS AND ROOMING HOUSES

Subparagraph (2) of paragraph (a) of § 1388.1131 relating to the Boise Defense-Rental Area is hereby revoked.

This Amendment No. 2 shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6810; Filed, April 30, 1943; 4:48 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,¹ Amendment 13]

DESIGNATION OF 259 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS
Items (43), (45) and (158) listed in the table in § 1388.1201 of Designation and Rent Declaration No. 25 are amended to read as follows:

(43) Pensacola.....	Florida.....	Counties of Escambia and Santa Rosa.
(45) Tallahassee.....	Florida.....	Counties of Leon and Wakulla.
(158) Columbus.....	Ohio.....	Counties of Franklin and Licking.

This amendment shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-6797; Filed, April 30, 1943; 3:22 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 26,² Amendment 1]

DESIGNATION OF 19 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and item (5) listed in the table in § 1388.1251 of the Designation and Rent Declaration are amended to read as follows:

DESIGNATION AND RENT DECLARATION NO. 26—DESIGNATION OF 19 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

(5) Brunswick.....	Georgia.....	Counties of Brantley, Camden, Glynn, McIntosh, Ware and Wayne.
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This amendment shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-6800; Filed, April 30, 1943; 3:23 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,³ Amendment 6]

DESIGNATION OF 47 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and items (6), (7), (8), (9), (12), (23), (29), (31), (32), (35) and (38) listed in the table in § 1388.1341 of Designation and Rent Declaration No. 31 are amended and items (48), (49), (50), (51), (52), (53), (54), (55), (56), (57), (58) and (59) are added to the table in the said section to read as follows:

DESIGNATION AND RENT DECLARATION NO. 31—DESIGNATION OF 50 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

(6) Florida.....	Florida.....	That portion of the State of Florida not heretofore designated by the Price Administrator as part of any defense-rental area, except the Counties of Columbia, Santa Rosa and Wakulla.
(7) Georgia.....	Georgia.....	That portion of the State of Georgia not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Ware.
(8) Idaho.....	Idaho.....	That portion of the State of Idaho not heretofore designated by the Price Administrator as part of any defense-rental area, except the Counties of Ada and Elmore.
(9) Illinois.....	Illinois.....	That portion of the State of Illinois not heretofore designated by the Price Administrator as part of any defense-rental area except the Counties of Kankakee and La Salle.
(12) Kansas.....	Kansas.....	That portion of the State of Kansas not heretofore designated by the Price Administrator as part of any defense-rental area, except the Counties of Finney, Ford, Gray and Reno.
(23) Nebraska.....	Nebraska.....	That portion of the State of Nebraska not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Buffalo.
(29) North Carolina.....	North Carolina.....	That portion of the State of North Carolina not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Moore.
(31) Ohio.....	Ohio.....	That portion of the State of Ohio not heretofore designated by the Price Administrator as part of any defense rental area, except the County of Licking.
(32) Oklahoma.....	Oklahoma.....	That portion of the State of Oklahoma not heretofore designated by the Price Administrator as part of any defense-rental area, except the Counties of Beckham, Custer and Washita.
(35) South Carolina.....	South Carolina.....	That portion of the State of South Carolina not heretofore designated by the Price Administrator as part of any defense-rental area, except the Counties of Colleton and Florence.
(38) Texas.....	Texas.....	That portion of the State of Texas not heretofore designated by the Price Administrator as part of any defense-rental area, except the Counties of Brazos, Brewster, Kinney, Lampasas, Uvalde, Val Verde and Webb.
(48) Lake City.....	Florida.....	County of Columbia.
(49) Boise.....	Idaho.....	Counties of Ada and Elmore.
(50) Kankakee.....	Illinois.....	County of Kankakee.
(51) La Salle County.....	Illinois.....	County of La Salle.
(52) Hutchinson.....	Kansas.....	County of Reno.
(53) Dodge City.....	Kansas.....	Counties of Finney, Ford and Gray.
(54) Kearney.....	Nebraska.....	County of Buffalo.
(55) Southern Pines.....	North Carolina.....	County of Moore.
(56) Clinton-Elk City.....	Oklahoma.....	Counties of Beckham, Custer and Washita.
(57) Florence.....	South Carolina.....	County of Florence.
(58) Bryan.....	Texas.....	County of Brazos.
(59) Del Rio.....	Texas.....	Counties of Kinney, Uvalde and Val Verde.

¹ 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779.

² 7 F.R. 3941.

³ 7 F.R. 7942; 8 F.R. 122, 1228, 1749, 4779.

This Amendment No. 6 (§ 1388.1341) shall become effective May 1, 1943.
(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN, *Administrator.*

[F. R. Doc. 43-6798; Filed, April 30, 1943; 3:22 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,¹ Amendment 7]

DESIGNATION OF 59 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and item (23) listed in the table in § 1388.1341 of Designation and Rent Declaration No. 31 are amended and item (60) is added to the table in the said section to read as follows:

DESIGNATION AND RENT DECLARATION NO. 31—DESIGNATION OF 60 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

(23) Nebraska.....	Nebraska.....	That portion of the State of Nebraska not heretofore designated by the Price Administrator as part of any defense-rental area, except the Counties of Adams, Buffalo and Clay.
(60) Hastings.....	Nebraska.....	Counties of Adams and Clay.

This Amendment No. 7 (§ 1388.1341) shall become effective May 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6799; Filed, April 30, 1943; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 397,² Under § 1499.3 (b) of GMPR]

STANDARD BRANDS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.1884 (d) is amended by adding the following paragraph:

The above marking shall not be required on packages of Fleischmann's B Vitamins Yeast Tablets delivered to retailers in Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, or Maine prior to August 20, 1943: *Provided*, That Standard Brands, Incorporated shall furnish each retailer to whom such delivery is made a display carton or cartons on which there is clearly marked in such manner as to be clearly visible to a purchaser the maximum retail price or prices of the various sizes of Fleischmann's B Vitamins Yeast Tablets delivered to the retailer. This marking shall be in the same form as specified above for marking on packages, except that, if more than one size package is to be sold from the same display carton, the marking shall indicate the size package to which it applies, for example,

12 tablets—Ceiling price—10¢

This amendment shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6803; Filed, April 30, 1943; 3:21 p. m.]

¹ 7 F.R. 7942; 8 F.R. 122, 1229, 1749.

² 8 F.R. 4932.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,¹ Amendment 17]

MEAT, FATS, FISH, AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 15.4 is added to read as follows:

SEC. 15.4 *Wholesalers may apply for inventory adjustments at or after registration—(a) How to apply.* A wholesaler who finds that his allowable inventory is inadequate may apply for an adjustment. The application may be made at or after the time he registers, and must be made, on OPA form R-315, to the board with which he is registering or is registered. The wholesaler must, in the application:

- (1) State the amount of his allowable inventory;
- (2) State the reasons why he claims that it is inadequate;
- (3) State the number of pounds of foods, in each of the three classes specified in paragraph (c) of this section, transferred by him in the first or the last six months of 1942;
- (4) Multiply the number of pounds of foods in each class by the factor fixed for that class in paragraph (c) of this section;
- (5) Add the resulting numbers;
- (6) Subtract the number in subparagraph (1) from the number in subparagraph (5);
- (7) State the amount of the adjustment which he needs.

He must also give any other information that the board may request.

(b) *Action on application.* If the board finds that the wholesaler's allowable inventory is inadequate, the board may grant the application. The amount determined by subparagraph (6) of paragraph (a) is the maximum adjustment which the board may grant pursuant to this section. (If a

greater adjustment is applied for, the procedure set forth in section 15.2 must be followed.) If the wholesaler does not have any excess inventory, the board shall issue to him a certificate for the amount of the adjustment granted. If the wholesaler has an excess inventory which is less than the adjustment, the board shall cancel the excess inventory and issue a certificate for the difference. If the wholesaler's excess inventory is equal to or greater than the adjustment, the board shall reduce the excess inventory by the amount of the adjustment.

(c) *Classes of foods and factors.* The three classes of foods and the factor for each class, referred to in paragraph (a) of this section, are as follows:

- | | |
|---|-----|
| (1) Fresh and frozen meat..... | 0.4 |
| (2) Shortening, lard, cooking and salad oils, canned meats, canned fish.... | 1.0 |
| (3) All other foods covered by this order, including cheese, butter, margarine, sausage and types of meat not described in (1) or (2) above.... | 0.8 |

This amendment shall become effective April 30, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6808; Filed, April 30, 1943; 4:49 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,¹ Amendment 25]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 183 is amended in the following respects:

1. Section 1418.1 (a) (13), is amended to read as follows:

(13) On and after April 5, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver oleomargarine in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (u), Table XIX; and no person shall offer, solicit or attempt to do

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 4122, 4351, 4781, 4788, 5486.

² 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567.

any of the foregoing. On and after May 3, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver canned vegetables or canned soups in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (v), Table XX; and no person shall offer, solicit or attempt to do any of the foregoing.

2. § 1418.14 (v) is amended to read as follows:

(v) Table XX: Maximum prices for canned vegetables or canned soups. (1) The maximum prices for certain canned vegetables and canned soups shall be:

Items and brand names	Unit	Price to wholesaler	Price to retailer	Retail price
Canned carrots:				
Fancy, sliced:				
Lily of the Valley	Case of 24 #2 cans	\$2.45	\$2.85	\$3.15
Premier		2.45	2.85	3.15
Royal Scarlett		3.60	4.20	4.50
Snider		2.45	2.85	3.15
S & W		3.60	4.20	4.50
Country Queen		2.45	2.85	3.15
Lily of the Valley (glass)	Case of 24 16 oz. cans	3.10	3.65	3.95
Snider	Case of 24 #2 cans	3.20	3.75	4.05
Lily of the Valley	Case of 24 #303 cans	3.20	3.75	4.05
Royal Scarlett	Case of 24 19 oz. cans	3.20	3.75	4.05
Premier	Case of 24 8 3/4 oz. cans	3.20	3.75	4.05
S & W	Case of 72 8 oz. cans	5.00	5.75	6.00
Lily of the Valley	Case of 72 8 oz. cans	5.00	5.75	6.00
Premier	Case of 72 8 oz. cans	5.00	5.75	6.00
Royal Scarlett	Case of 72 8 oz. cans	5.00	5.75	6.00
Snider	Case of 24 #2 cans	2.45	2.85	3.15
Lily of the Valley	Case of 24 #2 cans	2.45	2.85	3.15
Snider	Case of 12 16 oz. cans	1.60	1.90	2.00
Standard, sliced:				
Footie	Case of 24 19 oz. cans	2.00	2.30	2.50
McGrath	Case of 24 26 oz. cans	2.00	2.30	2.50
Phillips	Case of 24 26 oz. cans	2.00	2.30	2.50
Gibbs	Case of 48 10 oz. cans	2.00	2.30	2.50
Summers Charles G	Case of 48 10 oz. cans	2.00	2.30	2.50
Gibbs	Case of 48 10 oz. cans	2.00	2.30	2.50
Canned corn:				
American beauty:				
Standard White Cream	Case of 24 #2 cans	2.85	3.25	3.55
Fancy golden sweet, cream style:				
Del Monte	Case of 24 #2 cans	3.45	3.90	4.20
Exquisite	Case of 24 #2 cans	3.45	3.90	4.20
Lily of the Valley	Case of 24 #2 cans	3.45	3.90	4.20
Royal Scarlett	Case of 24 #2 cans	3.45	3.90	4.20
Snider	Case of 24 #2 cans	3.45	3.90	4.20
S & W	Case of 24 #2 cans	3.45	3.90	4.20
Del Monte	Case of 24 #2 cans	3.45	3.90	4.20
Exquisite	Case of 24 #2 cans	3.45	3.90	4.20
Lily of the Valley	Case of 24 #2 cans	3.45	3.90	4.20
Premier	Case of 24 #2 cans	3.45	3.90	4.20
Royal Scarlett	Case of 24 #2 cans	3.45	3.90	4.20
Snider	Case of 24 #2 cans	3.45	3.90	4.20
Fancy golden sweet, whole kernel:				
Libby	Case of 24 #2 cans	3.35	3.80	4.10
Premier	Case of 24 #2 cans	3.35	3.80	4.10
Royal Scarlett	Case of 24 #2 cans	3.35	3.80	4.10
S & W	Case of 24 #2 cans	3.35	3.80	4.10
Del Monte	Case of 24 #2 cans	3.35	3.80	4.10
Premier	Case of 24 #2 cans	3.35	3.80	4.10
Royal Scarlett	Case of 24 #2 cans	3.35	3.80	4.10
Snider	Case of 24 #2 cans	3.35	3.80	4.10
Fancy golden, cream style:				
Premier	Case of 24 #2 cans	3.35	3.80	4.10
Libby	Case of 24 #2 cans	3.35	3.80	4.10
Royal Scarlett	Case of 24 #2 cans	3.35	3.80	4.10
S & W	Case of 24 #2 cans	3.35	3.80	4.10
Del Monte	Case of 24 #2 cans	3.35	3.80	4.10
Premier	Case of 24 #2 cans	3.35	3.80	4.10
Royal Scarlett	Case of 24 #2 cans	3.35	3.80	4.10
Snider	Case of 24 #2 cans	3.35	3.80	4.10
Fancy golden, on cob:				
Libby	Case of 24 #2 cans	3.35	3.80	4.10
Royal Scarlett	Case of 24 #2 cans	3.35	3.80	4.10
S & W	Case of 24 #2 cans	3.35	3.80	4.10
Del Monte	Case of 24 #2 cans	3.35	3.80	4.10
Premier	Case of 24 #2 cans	3.35	3.80	4.10
Royal Scarlett	Case of 24 #2 cans	3.35	3.80	4.10
Snider	Case of 24 #2 cans	3.35	3.80	4.10
Fancy golden (extra tall):				
Libby	Case of 24 #2 cans	3.35	3.80	4.10
Snider	Case of 24 #2 cans	3.35	3.80	4.10

Items and brand names	Unit	Price to wholesaler	Price to retailer	Retail price
Canned corn—Continued.				
Fancy country gentleman or tiny kernel, cream:				
Libby	Case of 24 #2 cans	\$3.30	\$3.75	\$4.05
Lily of the Valley		4.45	5.05	5.35
Royal Scarlett		3.65	4.05	4.35
Snider		4.40	5.00	5.30
S & W		2.65	3.35	3.65
Libby	Case of 24 #303 cans	4.00	4.55	4.85
Standard golden cream:				
Phillips	Case of 24 #2 cans	2.20	2.60	2.90
Standard white cream:				
Footie	Case of 24 #2 cans	2.75	3.15	3.45
McGrath		2.65	3.05	3.35
Phillips		2.75	3.15	3.45
Red Moon		2.75	3.15	3.45
Standard white sweet, whole kernel:				
Stokely	Case of 48 11 oz. cans	4.00	4.60	4.90
Fancy white sweet, cream style:				
Premier	Case of 24 16 oz. cans	4.10	4.65	4.95
Canned peas:				
Dried:				
Gibbs	Case of 24 #2 cans	1.70	1.95	2.10
La Paz		1.70	1.95	2.10
Olympia		1.70	1.95	2.10
Ridge Farm		1.70	1.95	2.10
York Star		1.70	1.95	2.10
Gibbs	Case of 24 19 oz. cans	1.70	1.95	2.10
Sunset	Case of 24 18 oz. cans	1.70	1.95	2.10
Gibbs	Case of 48 15 1/2 oz. cans	3.00	3.45	3.75
Olympia	Case of 48 10 oz. cans	2.30	2.70	2.90
Primo	Case of 72 8 oz. cans	3.05	3.50	3.80
Ruth		2.50	2.85	3.05
Sunset	Case of 72 6 oz. cans	2.50	2.85	3.05
Unio		2.50	2.85	3.05
Extra standard ungraded sugar:				
Brownie	Case of 24 #2 cans	4.15	4.75	5.05
County Kist		3.80	4.35	4.65
Minnesota Valley		3.30	3.70	3.90
Brownie		3.25	3.70	3.90
County Kist		3.30	3.75	4.00
Lily of the Valley	Case of 24 #303 cans	3.40	3.90	4.20
Snider		3.40	3.90	4.20
Buffet fancy garden sugar:				
Del Monte	Case of 72 8 oz. cans	6.31	7.20	7.50
Royal Scarlett		8.80	9.80	10.10
Fancy garden sugar:				
Del Monte	Case of 24 #2 cans	4.10	4.65	4.95
Exquisite		3.80	4.35	4.65
Libby		3.75	4.30	4.60
Del Monte		3.67	4.20	4.50
Exquisite		3.80	4.35	4.65
Garden Patch		3.70	4.20	4.50
Libby	Case of 24 #303 cans	3.35	3.80	4.10
Fancy #1 sieve E. V. or sugar				
Del Monte	Case of 24 #2 cans	4.61	5.25	5.55
Libby		4.80	5.45	5.75
Royal Scarlett		5.95	6.80	7.10
Fancy #2 sieve E. V. or sugar				
Exquisite		4.15	4.75	5.05
Libby		4.30	4.90	5.20
Lily of the Valley		4.00	4.55	4.85
Snider		4.00	4.55	4.85
S & W		5.00	5.60	5.90
Fancy #3 sieve E. V. or sugar				
Libby	Case of 24 #2 cans	3.75	4.30	4.60
Lily of the Valley		3.70	4.25	4.55
Royal Scarlett		3.70	4.25	4.55
Snider		3.70	4.25	4.55
S & W		4.50	5.10	5.40
Fancy #4 sieve E. V. or sugar				
Libby	Case of 24 #2 cans	3.40	3.90	4.20
Lily of the Valley		3.40	3.90	4.20
Royal Scarlett		3.40	3.90	4.20
Snider		3.40	3.90	4.20
S & W		3.40	3.90	4.20

Items and brand names	Unit	Price to wholesaler	Price to retailer	Retail price
Canned peas—Continued.				
Fancy #2 sieve E. V. or sugar:	Case of 24 #303 cans.....	\$3.50	\$4.35	\$0.22
Libby.....				
Fancy #1 sieve (picnic) early variety or sugar:	Case of 48 11 oz. cans.....	5.72	6.50	.17
Del Monte.....		5.50	6.25	.16
Libby.....		7.25	8.25	.21
Royal Scarlett.....				
Fancy #4 sieve sugar:	Case of 24 #2 cans.....	3.60	4.10	.21
Libby.....		4.10	4.80	.20
Royal Scarlett.....		3.20	3.65	.19
Libby.....	Case of 24 #303 cans.....	4.65	5.30	.27
Royal Scarlett.....				
Fancy #5 or 6 sieve sugar:	Case of 24 #2 cans.....	3.50	4.00	.21
Libbys Jumbo.....		3.50	4.00	.21
Lily of the Valley.....		3.50	4.00	.21
Snider.....		3.10	3.55	.18
Libbys Jumbo.....	Case of 24 #303 cans.....	4.00	4.55	.24
Green Giant.....		4.00	4.55	.24
Niblets.....		4.00	4.55	.24
#1 sieve E. V.:	Case of 48 8 oz. cans.....	5.00	5.70	.15
Le Sueur.....				
#3 sieve E. V.:	Case of 48 8 oz. cans.....	4.40	5.00	.13
Green Giant.....	Case of 48 8 oz. cans.....	5.00	5.70	.15
Picnic fancy garden sugar:				
Del Monte.....		5.21	5.95	.15
Exquisite.....	Case of 48 11 oz. cans.....	4.60	5.45	.14
Libby.....		4.80	5.45	.14
Picnic fancy #1 sieve E. V. or sugar:	Case of 48 11 oz. cans.....	5.00	5.70	.15
Exquisite.....		4.60	5.45	.14
S. & W. #2 sieve E. V. or sugar:	Case of 48 11 oz. cans.....	4.80	5.45	.14
Picnic fancy #2 sieve E. V. or sugar:	Case of 48 11 oz. cans.....	6.00	6.85	.18
Libby.....				
Standard.....	Case of 48 10 1/2 oz. cans.....	4.00	4.60	.12
Maryland Chief.....				
Standard.....	Case of 24 20 oz. cans.....	2.70	3.10	.16
Phillips.....	Case of 48 10 oz. cans.....	4.00	4.60	.12
Phillips.....				
Canned tomatoes:				
Fancy solid pack:				
Del Monte.....	Case of 48 10 1/2 oz. cans.....	3.00	4.10	.21
Libby.....		3.40	4.10	.18
Lily of the Valley.....	Case of 24 #2 cans.....	3.50	4.10	.21
Royal Scarlett.....		4.50	5.10	.25
Snider.....		3.50	4.10	.21
Del Monte.....	Case of 24 #2 1/2 cans.....	4.87	5.55	.30
Libby.....		4.00	4.55	.25
Royal Scarlett.....		5.35	6.05	.33
Premier.....	Case of 24 19 oz. cans.....	3.00	3.40	.18
Lily of the Valley.....	Case of 12 16 oz. cans.....	1.95	2.20	.24
Standard.....		1.95	2.20	.24
Happyvale.....		2.00	2.95	.16
Lily of the Valley.....	Case of 24 #2 cans.....	3.05	3.45	.19
Red Jay.....		3.65	4.15	.23
Snider.....		3.05	3.45	.19
Sweet Land.....		2.85	3.15	.15
American Wonder.....	Case of 24 #2 cans.....	2.65	3.00	.15
McGrath.....		2.40	2.75	.16
Vallonia.....		2.65	3.00	.16
Cortova.....		2.40	2.75	.15
Driftwood.....	Case of 24 19 oz. cans.....	1.90	2.20	.12
Gibbs.....		2.40	2.75	.15
Maryland Chief.....		2.40	2.75	.15
Phillips.....		2.40	2.75	.15
Palm Beach.....		2.40	2.75	.15
Happyvale.....	Case of 24 #2 1/2 cans.....	2.50	3.05	.21
Mission.....		2.40	2.75	.15
Red Jay.....		2.70	3.20	.23
Silverdale.....	Case of 72 8-oz. cans.....	3.50	4.20	.07
Tomato sauce.....		3.50	4.20	.07
Canned soups:				
Campbell (old style):				
Asparagus.....	Case of 48:			
Celery.....	10 1/2 or 11 oz. cans.....	\$4.15	\$4.60	Per can \$0.12
Clam Chowder.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Consomme Maitre d'Hotel.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Green Pea.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Ox Tail.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Vegetable.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Vegetarian Vegetable.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Chicken Noodle.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Chicken.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Tomato.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Vegetarian Vegetable.....	10 1/2 or 11 oz. cans.....	4.15	4.60	.12
Campbell (new formula):				
Asparagus.....	10 1/2 or 11 oz. cans.....	5.20	5.75	.15
Clam Chowder.....	10 1/2 or 11 oz. cans.....	5.20	5.75	.15
Consomme Maitre d'Hotel.....	10 1/2 or 11 oz. cans.....	5.20	5.75	.15
Green Pea.....	10 1/2 or 11 oz. cans.....	5.20	5.75	.15
Moose Tail.....	10 1/2 or 11 oz. cans.....	5.20	5.75	.15
Ox Tail.....	10 1/2 or 11 oz. cans.....	5.20	5.75	.15
Pepper Pot.....	10 1/2 or 11 oz. cans.....	5.20	5.75	.15
Vegetable.....	10 1/2 or 11 oz. cans.....	5.20	5.75	.15
Beef.....	10 1/2 or 11 oz. cans.....	6.45	7.07	.18
Boatman.....	10 1/2 or 11 oz. cans.....	6.45	7.07	.18
Chicken Gumbo.....	10 1/2 or 11 oz. cans.....	6.45	7.07	.18
Chicken Noodle.....	10 1/2 or 11 oz. cans.....	6.45	7.07	.18
Vegetable Beef.....	10 1/2 or 11 oz. cans.....	6.45	7.07	.18
Tomato.....	10 1/2 or 11 oz. cans.....	4.35	4.76	.12
Chicken.....	10 1/2 or 11 oz. cans.....	7.15	7.87	.21
Vegetarian Vegetable.....	10 1/2 or 11 oz. cans.....	5.20	5.75	.15
Chulford (old style):				
Pea.....	10 1/2 or 11 oz. cans.....	3.50	3.85	.10
Tomato.....	10 1/2 or 11 oz. cans.....	3.50	3.85	.10
Vegetable.....	10 1/2 or 11 oz. cans.....	3.50	3.85	.10
Chulford (new formula):				
Pea.....	10 1/2 or 11 oz. cans.....	4.50	4.95	.13
Tomato.....	10 1/2 or 11 oz. cans.....	4.50	4.95	.13
Vegetable.....	10 1/2 or 11 oz. cans.....	4.50	4.95	.13
Collage Inn (old style):	Case of 24:			
Chicken Gumbo.....	7 oz. cans.....	1.70	1.90	.10
Chicken noodle.....	7 oz. cans.....	1.70	1.90	.10
Green of green pea.....	7 oz. cans.....	1.70	1.90	.10
Tomato.....	7 oz. cans.....	1.70	1.90	.10
Vegetable.....	7 oz. cans.....	1.70	1.90	.10
Crosse and Blackwell (old style):				
Asparagus.....	16 oz. cans.....	3.35	3.70	.19
Bean with bacon.....	16 oz. cans.....	3.35	3.70	.19
Beef.....	16 oz. cans.....	3.35	3.70	.19
Black Bean.....	16 oz. cans.....	3.35	3.70	.19
Celery.....	16 oz. cans.....	3.35	3.70	.19
Chicken broth.....	16 oz. cans.....	3.35	3.70	.19
Chicken noodle.....	16 oz. cans.....	3.35	3.70	.19
Clam Chowder.....	16 oz. cans.....	3.35	3.70	.19
Consomme maitre d'Hotel.....	16 oz. cans.....	3.35	3.70	.19
Green peas.....	16 oz. cans.....	3.35	3.70	.19
Mushroom.....	16 oz. cans.....	3.35	3.70	.19
Onion.....	16 oz. cans.....	3.35	3.70	.19
Oyster.....	16 oz. cans.....	3.35	3.70	.19
Scotch broth.....	16 oz. cans.....	3.35	3.70	.19
Soup.....	16 oz. cans.....	3.35	3.70	.19
Spruce.....	16 oz. cans.....	3.35	3.70	.19
Tomato.....	16 oz. cans.....	3.35	3.70	.19
Vegetable.....	16 oz. cans.....	3.35	3.70	.19
Vegetarian Vegetable.....	16 oz. cans.....	3.35	3.70	.19
Gibbs (old style):	Case of 48:			
Asparagus.....	10 1/2 or 11 oz. cans.....	2.65	2.95	.08
Beef.....	10 1/2 or 11 oz. cans.....	2.65	2.95	.08
Tomato.....	10 1/2 or 11 oz. cans.....	2.80	3.25	.09
Vegetable.....	10 1/2 or 11 oz. cans.....	2.80	3.25	.09
Heinz (old style):				
Asparagus.....	24 15 oz. cans.....	3.15	3.50	.18
Beef.....	24 15 oz. cans.....	3.15	3.50	.18
Beans.....	24 15 oz. cans.....	3.15	3.50	.18
Beans.....	24 15 oz. cans.....	3.15	3.50	.18
Celery.....	24 15 oz. cans.....	3.15	3.50	.18
Colony.....	24 15 oz. cans.....	3.15	3.50	.18

Items and brand names	Unit	Price to wholesaler	Price to retailer	Retail price
Canned soups—Continued.				
Heinz (old style)—Continued.				
Chicken noodle	24 15 oz. cans.	\$3.15	\$3.50	\$0.18
Chicken noodle	36 9 1/4 oz. cans.	3.20	3.55	.13
Chicken country style	24 15 oz. cans.	3.15	3.50	.13
Chicken country style	36 9 1/4 oz. cans.	3.20	3.55	.13
Chicken with rice	24 15 oz. cans.	3.15	3.50	.13
Chicken with rice	36 9 1/4 oz. cans.	3.20	3.55	.13
Consomme	24 15 oz. cans.	4.20	4.65	.24
Consomme	36 9 1/4 oz. cans.	4.20	4.65	.16
Corn chowder	24 15 oz. cans.	3.15	3.50	.13
Corn chowder	36 9 1/4 oz. cans.	3.20	3.55	.13
Clam chowder	24 15 oz. cans.	4.20	4.65	.24
Clam chowder	36 9 1/4 oz. cans.	4.20	4.65	.16
Genuine turtle	24 15 oz. cans.	3.15	3.50	.13
Genuine turtle	36 9 1/4 oz. cans.	3.20	3.55	.13
Green pea	24 15 oz. cans.	3.15	3.50	.13
Green pea	36 9 1/4 oz. cans.	3.20	3.55	.13
Gumbo creole	24 15 oz. cans.	3.15	3.50	.13
Gumbo creole	36 9 1/4 oz. cans.	3.20	3.55	.13
Mushroom	24 15 oz. cans.	3.15	3.50	.13
Mushroom	36 9 1/4 oz. cans.	3.20	3.55	.13
Onion	24 15 oz. cans.	3.15	3.50	.13
Onion	36 9 1/4 oz. cans.	3.20	3.55	.13
Pepper pot	24 15 oz. cans.	3.15	3.50	.13
Pepper pot	36 9 1/4 oz. cans.	3.20	3.55	.13
Scotch broth	24 15 oz. cans.	3.15	3.50	.13
Scotch broth	36 9 1/4 oz. cans.	3.20	3.55	.13
Spinach	24 15 oz. cans.	3.15	3.50	.13
Spinach	36 9 1/4 oz. cans.	3.20	3.55	.13
Split pea	24 15 oz. cans.	3.15	3.50	.13
Split pea	36 9 1/4 oz. cans.	3.20	3.55	.13
Tomato	24 15 oz. cans.	3.15	3.50	.13
Tomato	36 9 1/4 oz. cans.	3.20	3.55	.13
Vegetable	24 15 oz. cans.	3.15	3.50	.13
Vegetable	36 9 1/4 oz. cans.	3.20	3.55	.13
Vegetarian vegetable	24 15 oz. cans.	3.15	3.50	.13
Vegetarian vegetable	36 9 1/4 oz. cans.	3.20	3.55	.13
Vegetable beef	24 15 oz. cans.	3.15	3.50	.13
Vegetable beef	36 9 1/4 oz. cans.	3.20	3.55	.13
Heinz (new formula):				
Chicken noodle	Case of 36:			
Tomato	11 oz. cans.	4.95	5.45	.19
Vegetable	11 oz. cans.	3.80	4.20	.15
Vegetable beef	11 oz. cans.	4.55	5.00	.17
Vegetable beef	11 oz. cans.	5.25	5.80	.20
Hurff (old style):				
Pea	Case of 48:			
Tomato	10 1/4 oz. cans.	3.50	3.85	.10
Vegetable	10 1/4 oz. cans.	3.50	3.85	.10
Vegetable	10 1/4 oz. cans.	3.50	3.85	.10
Hurff (new formula):				
Pea	Case of 24:			
Tomato	20 oz. cans.	3.35	3.65	.19
Vegetable	20 oz. cans.	3.35	3.65	.19
Vegetable	20 oz. cans.	3.35	3.65	.19
Libby (old style):				
Asparagus	Case of 48:			
Tomato	10 1/4 oz. cans.	4.70	5.20	.14
Vegetable	10 1/4 oz. cans.	4.70	5.20	.14
Vegetable	10 1/4 oz. cans.	4.70	5.20	.14
McGrath (old style):				
Asparagus	Case of 24:			
Clam chowder	20 oz. cans.	4.00	4.40	.23
Pea	20 oz. cans.	4.00	4.40	.23
Tomato	20 oz. cans.	4.00	4.40	.23
Vegetable	Case of 48:			
Vegetable	10 1/4 oz. cans.	3.30	3.65	.10
Vegetable	10 1/4 oz. cans.	3.30	3.65	.10
Vegetable	10 1/4 oz. cans.	3.30	3.65	.10
Phillips (old style):				
Asparagus	10 1/4 oz. cans.	2.65	2.95	.08
Clam chowder	10 1/4 oz. cans.	2.65	2.95	.08
Pea	10 1/4 oz. cans.	2.65	2.95	.08
Tomato	10 1/4 oz. cans.	2.65	2.95	.08
Vegetable	10 1/4 oz. cans.	2.65	2.95	.08
Premier (old style):				
Asparagus	10 1/4 oz. cans.	2.80	3.25	.09
Clam chowder	10 1/4 oz. cans.	2.80	3.25	.09
Pea	10 1/4 oz. cans.	2.65	2.95	.08
Tomato	10 1/4 oz. cans.	2.65	2.95	.08
Vegetable	10 1/4 oz. cans.	2.65	2.95	.08
Rancho (old style):				
Asparagus	10 1/4 oz. cans.	3.50	3.85	.10
Clam chowder	10 1/4 oz. cans.	3.50	3.85	.10
Pea	10 1/4 oz. cans.	3.50	3.85	.10
Tomato	10 1/4 oz. cans.	3.50	3.85	.10
Vegetable	10 1/4 oz. cans.	3.50	3.85	.10
Rancho (new formula):				
Asparagus	10 1/4 oz. cans.	4.25	4.70	.12
Clam chowder	10 1/4 oz. cans.	4.25	4.70	.12
Pea	10 1/4 oz. cans.	4.25	4.70	.12
Tomato	10 1/4 oz. cans.	4.25	4.70	.12
Vegetable	10 1/4 oz. cans.	4.25	4.70	.12

For sales of different quantities the maximum prices shall be proportionately computed.

(2) The maximum price for all other varieties of canned vegetables and canned soups shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. A seller who seeks a maximum price for a variety not enumerated in Table XX above shall file with the Puerto Rico Office of the Office of Price

Administration an application setting forth: (i) a description of the variety for which the maximum price is sought; (ii) a complete statement of all costs in connection with such variety; (iii) the quantity of such variety for which an order has been placed, or which has been imported and is awaiting distribution, or which is on hand; and (iv) any other facts which the seller wishes to submit in support of his application. The seller shall also submit such additional parti-

ment information as the Puerto Rico Office of the Office of Price Administration may require. Such authorized price will be given in the form of an amendment or of an order by the Director of the Office of Price Administration for the Territory of Puerto Rico, prescribing the maximum price for the applicant or for sellers of canned vegetables and canned soups generally including purchasers for resale, or for a class of such sellers.

(3) The maximum prices established on sales to wholesalers, at wholesale and at retail, shall be fair and equitable prices and either in line with the usual or normal differentials for grades above or below the prices for enumerated brands or with mark-ups established in this section on enumerated brands.

(4) The direct cost to the importer may not exceed the cost of a reasonably expeditious shipment via the most efficient, readily and regularly available route and means.

This amendment shall become effective May 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6806; Filed, April 30, 1943; 4:48 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 183, Amendment 26]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 183 is amended in the following respects:

1. Section 1418.1 (a) (3) and (5) are amended to read as follows:

(3) On and after May 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive cigarettes in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (c), Table III; and no person shall offer, solicit or attempt to do any of the foregoing.

(5) On and after May 3, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver, and no person shall buy or receive milk in the Territory of Puerto Rico, at prices higher than the maximum prices authorized by § 1418.14 (e), Table V, and no person shall offer, solicit, or attempt to do any of the foregoing.

2. Section 1418.5 (f) is added to read as follows:

(f) Every distributor of milk and every store in which milk is sold shall

* Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 4122, 4351, 4781, 4788, 5486.

file with the Office of Price Administration for the Territory of Puerto Rico at San Juan, Puerto Rico, on or before the 5th day of each successive month following the effective date of Amendment No. 26 to Maximum Price Regulation No. 183 a report of his operations for the preceding month upon Form No. PRM 1 duly filled out and signed either by himself or by his properly authorized agent.

3. The undesignated paragraph in § 1418.7 is hereby designated (a) and a new paragraph (b) is added to read as follows:

(b) Every producer and distributor of milk and every store in which milk is sold shall register at such time as the Director for the Office of Price Administration for the Territory of Puerto Rico shall determine, upon Forms No. PRM2 and PRM3 duly filled out and signed either by himself or by his properly authorized agent.

4. Section 1418.11 (a) (10), (11), (14), (15) and (16) are amended, (12) and (13) are revoked, (40), (41), (42), (43), (44), (45), (46) and (47) are added to read as follows:

(10) "Pasteurized milk" means milk that has been pasteurized by submitting it to a temperature between 142° F. and 145° F. for thirty minutes, and that has been immediately cooled and thereafter maintained at a maximum temperature of 53.6° F. or of 12° C., and has not been repasteurized, and which is sold or served only in the original container in which it left the factory and in no less quantity than that contained in the original container.

(11) "Raw milk" means all milk that is not pasteurized milk.

(14) "Producer of milk" means any person who sells the milk which he produces to distributors and stores.

(15) "Distributor of milk" means any person not excluding a producer, but excluding a puesto or store, who is in the business of selling milk delivered to stores, to volume customers and to consumers.

(16) "Store" means any person including a puesto, booth, stall or stand, except a distributor, who sells milk at retail.

(40) "Small container" means a container other than a paper container manufactured for the express purpose of containing milk, with a capacity of one quart, one pint, or one-half pint.

(41) "Paper container" means a paper or cardboard container manufactured for the express purpose of containing milk with a capacity of one quart.

(42) "Loose milk" means milk sold in any container furnished by the seller except a small container or a paper container, or in any container, including a small container or paper container furnished by the purchaser.

(43) "Volume customer" means institutions, the Armed Forces, eating establishments, or industrial users, and other similar users.

(44) "Point of use" means the location of the store or puesto, or the location of

the volume customer or consumer receiving delivery from a distributor.

(45) "Zone I" means the following municipalities:

Aguadilla.	Ponce.
Bayamon.	Rio Piedras.
Catano.	San Juan.
Ceiba.	Toa Alta.
Fajardo.	Toa Baja.
Guaynabo.	Vieques.
Naguabo.	

(46) "Zone II" means the following municipalities:

Adjuntas.	Isabela.
Aguada.	Jayuya.
Agua Buenas.	Lajas.
Arecibo.	Luquillo.
Barceloneta.	Manati.
Caguas.	Mayaguez.
Camuy.	Moca.
Carolina.	Naranjito.
Cayey.	Rio Grande.
Ciales.	Santa Isabel.
Dorado.	Trujillo Alto.
Guayanilla.	Utua.
Gurabo.	Vega Alta.
Hatillo.	Vega Baja.
Humacao.	Yauco.

(47) "Zone III" means the following municipalities:

Aibonito.	Loiza.
Anasco.	Las Piedras.
Arroyo.	Maricao.
Barranquitas.	Maunabo.
Cabo Rojo.	Morovis.
Cidra.	Orocovis.
Coamo.	Patillas.
Comerio.	Penuelas.
Corozal.	Quebradillas.
Culebra.	Rincon.
Guanica.	Sabana Grande.
Guayama.	San German.
Hormigueros.	Salinas.
Juana Diaz.	San Lorenzo.
Juncos.	San Sebastian.
Lares.	Villalba.
Las Marias.	Yabucoa.

5. Section 1418.14 (c), Table III; (e), Table V; and (ee), Table XXVI are amended to read as follows:

(c) Table III: Maximum prices for cigarettes. (1) The maximum prices for the following enumerated brands of cigarettes sold in packages shall be:

Brand	To wholesaler	At wholesale	At retail
	Per carton of 200	Per carton of 200	Per package of 20
Chesterfield.....			
Spud.....			
Old Gold.....			
Viceroy.....			
Kool.....			
Raleigh.....	\$1.90	\$1.95	\$0.23
Fleetwood.....			
Camel.....			
Phillip Morris.....			
Lucky Strike.....			
Mapleton.....			
Spur.....			
Wings.....			
Avalon.....	1.70	1.75	.21
Southland.....			
Roy.....			
Domino.....			
Rivalo.....	1.72	1.75	.20
Masterpiece.....			
Colectiva.....	1.57	1.60	.19
Toro.....			
Casino.....	1.60	1.62	.19
Medal.....	1.52	1.55	.19
Totem.....			
			Per package of 10
Violetas.....	1.57	1.60	1.10
Yankee.....	1.60	1.62	1.10
Casino.....	1.57	1.60	1.10

12 packages 19 cents.

Brand	To wholesaler	At wholesale	At retail
	Per carton of 100	Per carton of 100	Per package of 10
DeLuxe.....	\$1.47	\$1.50	\$0.17
	Per carton of 100	Per carton of 100	Per carton of 100
Colectiva Largo.....	.83	.85	.99
Rivalo Largo.....	.92	.95	1.10
Toro Largo.....	.83	.85	.99
Yankee Largo.....	.84	.87	1.00

(2) The maximum prices for cigarettes of the brands enumerated above, sold individually shall be:

Number of cigarettes	On brands retailing at 25¢ per package	On brands retailing at 21¢ per package	On brands retailing at 20¢ per package	On brands retailing at 16¢ and 19¢ per package
19.....	\$0.22	\$0.20	\$0.19	\$0.18
18.....	.21	.19	.18	.18
17.....	.20	.18	.17	.17
16.....	.19	.17	.16	.16
15.....	.18	.16	.15	.15
14.....	.16	.14	.14	.14
13.....	.15	.13	.13	.13
12.....	.14	.12	.12	.12
11.....	.13	.11	.11	.11
10.....	.11	.10	.10	.10
9.....	.10	.09	.09	.09
8.....	.09	.08	.08	.08
7.....	.08	.07	.07	.07
6.....	.07	.06	.06	.06
5.....	.06	.05	.05	.05
4.....	.05	.04	.04	.04
3.....	.03	.03	.03	.03
2.....	.02	.02	.02	.02
1.....	.01	.01	.01	.01

(3) The maximum prices for De Luxe, Colectiva Largo, Rivalo Largo, Toro Largo and Yankee Largo sold individually shall be 1¢ per cigarette regardless of the quantity in which they are sold.

(4) No sale of brands of cigarettes other than those enumerated above shall be made after the effective date of this amendment, until the maximum price for such cigarettes has been fixed by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of an amendment or of an order prescribing the maximum price for the applicant or for sellers of such cigarettes generally, and shall be a price in line with the maximum prices fixed above on enumerated brands.

(5) Every sale of cigarettes, except at retail, shall be accompanied either by a sales invoice or by a statement containing whichever of the following statements applies to the particular case.

(i) Enumerated varieties of cigarettes.

OPA MAXIMUM PRICES FOR CIGARETTES IN THE TERRITORY OF PUERTO RICO

X brand of cigarettes is an enumerated brand for which specific prices have been established by the Office of Price Administration under Maximum Price Regulation No. 183 as follows:

To consumer
To wholesaler
To retailer

(ii) Non-enumerated varieties of cigarettes.

OPA MAXIMUM PRICES FOR CIGARETTES IN THE TERRITORY OF PUERTO RICO

Y brand of cigarettes is a non-enumerated brand for which maximum prices have been

authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico under Maximum Price Regulation No. 183 as follows:

To consumer -----
To wholesaler -----
To retailer -----

(e) Table V: Maximum prices for milk.

(1) The maximum prices for milk sold or delivered in the Territory of Puerto Rico shall be:

(i) Producers maximum prices. (a) For sales of milk by a producer to a store, the maximum price is the price set forth below for the zone in which the store is located.

Type of milk	Location of store	Maximum price per quart
Raw milk, loose.....	Zone I.....	\$0.13
Raw milk, loose.....	Zone II.....	.11
Raw milk, loose.....	Zone III.....	.095
Pasteurized milk, loose.....	All zones.....	.13

(b) For sales of raw or pasteurized milk by a producer delivered to a consumer or volume customer, maximum prices for sales by the producer are the same as the maximum prices established below for sales by distributors to a consumer or volume customer.

(c) For sales of milk by a producer to a distributor, the producer's maximum price shall be a weighted average price computed by the distributor on a monthly basis. Each distributor shall determine the maximum price to be paid to each of its producers at the end of the month on the basis of the total sales made by the distributor during the month. The type of milk, whether raw or pasteurized, whether it is loose or in small containers, and the point of use of the milk are the factors to be used by the distributor in determining the maximum price to be paid to producers. The distributor shall compute monthly the total value of the milk sold by him at the rate of \$0.13 per quart for all pasteurized milk, \$0.13 per quart for all raw milk whose point of use is in Zone I, \$0.11 per quart for all raw milk whose point of use is in Zone II, and \$0.095 per quart for all raw milk whose point of use is in Zone III. The distributor shall determine the weighted average price, which represents the maximum price which may be paid to producers, by dividing the total value of the milk sold by him during the month by the total number of quarts sold by him during the month; and in order to arrive at the maximum payment which may be made to each producer, shall multiply the weighted average price by the total number of quarts supplied by each producer.

(d) If, on sales of raw or pasteurized milk to distributors or stores, the producer supplies a small container, the producer's maximum price may be augmented by the following:

Size of container supplied by producer: Maximum additions
Quart..... \$0.01 per quart
Pint..... .005 per pint
Half pint..... .00375 per half pint

(e) Distributors may make cash payments to producers at any time during a month, but such payments shall be subject to settlement at the end of such

month by determining the difference between the cash payments and the maximum payments computed by the method set forth above. The cash payments which may be made during the month to each producer shall not exceed the amount computed by multiplying the maximum price per quart in the lowest price zone in which any of the milk sold by the distributor finds its point of use by the total number of quarts sold to the distributor by the producer during the month.

Example: During a given month Producers A, B, C, and D supplied Distributor X with milk in the following amounts:

Producer A—3,500 quarts, loose.

Producer B—2,000 quarts, in quart containers.

Producer C—9,500 quarts, in pint containers.

Type of milk	Point of use	Number of quarts sold by distributor	Rate	Value computed by multiplying column 3 by column 4
Raw.....	Zone I.....	8,000	\$0.13.....	\$1,040.00
Raw.....	Zone II.....	5,000	\$0.11.....	550.00
Raw.....	Zone III.....	2,000	\$0.095.....	190.00
Pasteurized.....	All zones.....	10,000	\$0.13.....	1,300.00
Total number of quarts sold.....		25,000	Total value.....	3,080.00

The weighted average price per quart is determined by dividing the total value by the total number of quarts sold:

$$\frac{3080}{25000} = .1232 \text{ maximum price per quart.}$$

Producer A's cash payment and total payment for the month is computed as follows:

$$3500 \times .095 = \$332.50 \text{ Cash payment.}$$

$$3500 \times .1232 = 431.20 \text{ Total payment.}$$

Producer B's cash payment and total payment for the month is computed as follows:

$$2000 \times .095 = \$190.00 \text{ Cash payment.}$$

$$2000 \times .1232 = 246.40$$

$$2000 \times .01 = 20.00 \text{ Maximum addition for quart containers.}$$

$$\$266.40 \text{ Total payment.}$$

Producer C's cash payment and total payment for the month is computed as follows:

$$9500 \times .095 = \$902.50 \text{ Cash payment.}$$

$$9500 \times .1232 = 1170.40$$

$$19000 \times .005 = 95.00 \text{ Maximum addition for pint containers—9,500 quarts equals 19,000 pints.}$$

$$\$1265.40 \text{ Total payment.}$$

Producer D's cash payment and total payment for the month is computed as follows:

Producer D—9,000 quarts, in half pint containers.

24,000 quarts.

In addition to the 24,000 quarts received from these producers, Distributor X sold 1,000 quarts of milk he himself produced. The total number of quarts sold during July by Distributor X was 25,000. Of this total 10,000 quarts was pasteurized so the value of this portion shall be computed at the rate of \$0.13 per quart. The point of use of the remaining 15,000 quarts was divided among the Zones as follows:

Zone I, 8,000 quarts (rate of \$0.13 per quart).

Zone II, 5,000 quarts (rate of \$0.11 per quart).

Zone III, 2,000 quarts (rate of \$0.095 per quart).

The method to be used by Distributor X in computing the maximum price per quart of loose milk is set forth in the following table:

$$9000 \times .095 = \$855.00 \text{ Cash payment.}$$

$$9000 \times .1232 = 1108.80$$

$$36000 \times .00375 = 135.00 \text{ Maximum addition for half pint containers—9,000 quarts equals 36,000 half pints.}$$

$$\$1243.80 \text{ Total payment.}$$

(ii) Distributors and stores maximum prices.

PASTEURIZED MILK

Sales by distributors	Quart	Pint	Half pint
To volume customers and consumers, (delivered):	Cts.	Cts.	Cts.
Loose.....	18	10	5
In small containers.....	19	10	5
To volume customers and consumers, (not delivered):			
Loose.....	17	9	5
In small containers.....	18	9	5
To stores in small containers, (delivered or not delivered).....	15	7½	4
SALES BY STORES (DELIVERED OR NOT DELIVERED)			
To consumers in small containers.....	18	9	5

RAW MILK

	Point of use								
	Zone I			Zone II			Zone III		
	Qt.	Pt.	½ Pt.	Qt.	Pt.	½ Pt.	Qt.	Pt.	½ Pt.
SALES BY DISTRIBUTORS									
To stores delivered or not delivered:	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
Loose.....	13	7	3½	11	6	3	9½	5½	2¾
In small containers.....	14	7	3½	12	6	3	10½	5½	2¾
SALES BY DISTRIBUTORS AND STORES									
To volume customers delivered or not delivered:									
Loose.....	15½	8½	4½	13½	7½	4	11½	6½	3½
In small containers.....	16½	8½	4½	14½	7½	4	12½	6½	3½
To consumers delivered or not delivered:									
Loose.....	16	8	4	14	7	4	12	6	3
In small containers.....	17	9	5	15	8	4	13	7	4

The maximum price for milk sold in paper containers shall be the prices fixed in the above tables for milk sold in small containers plus 3¢ per quart as an allowance for the additional cost of the container.

(2) *Deposit charges on containers.* No deposit charge shall be made for any milk containers with the exception of glass small containers furnished by the seller in connection with the sale of bottled milk. On such bottles a deposit of 10¢ may be imposed, which shall be refunded to the depositor upon the return of the bottle.

(3) *Charges for long distance deliveries on pasteurized milk.* (No charge for the transportation of milk shall be made or collected, except that in connection with the sale and delivery of pasteurized milk to the Armed Forces of the United States and to Municipal and Insular institutions the following charges shall be allowed:

(i) The Puerto Rico Dairy, Inc. and Las Tres Monjitas Dairy may charge and collect, in addition to the applicable maximum price at the store, the following amounts for each truck trip involved in the delivery of pasteurized milk from their plants in San Juan and Rio Piedras:

To:	Per truck trip
Borinquen Field.....	\$42.00
Losey Field.....	32.00
Henry Barracks.....	16.75
Camp Tortuguero.....	16.25
Fort Buchanan.....	12.50

(ii) In the event that delivery is made to more than one of the enumerated points in the course of a truck trip prior to returning to the plant, the total delivery charge shall not exceed the charge fixed per truck trip to the more distant point.

(iii) On deliveries other than those specified above, the Director of the Office of Price Administration for the Territory of Puerto Rico may, upon application, authorize the charge and collection of an amount per truck trip, in addition to the applicable maximum price to cover the actual cost incurred in making such delivery.

(ee) *Table XXVI: Maximum prices for coffee.* (1) The maximum price for coffee sold or delivered in the Territory of Puerto Rico shall be:

DRIED PARCHMENT COFFEE: AT THE RATE OF \$21.50 PER 122 LBS.

[In common trade terms the minimum "discount" is approximately 18% in converting dried parchment coffee to green coffee]

This amendment shall become effective May 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6807; Filed, April 30, 1943; 4:48 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Temp. MPR 31]

FEDERAL GOVERNMENT PURCHASES OF NEW RUBBER TIRES AND TUBES

Federal Government purchases of new rubber tires and tubes except War and Navy Department and Defense Supplies Corporation purchases.

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, to issue a temporary maximum price regulation establishing as the maximum prices for the sale of new rubber tires and tubes to the United States Government, except to the War Department, the Department of the Navy and Defense Supplies Corporation the prices prevailing with respect thereto within the five days prior to the date of issuance of this regulation.

§ 1315.1901 *Maximum prices for sales of new rubber tires and tubes to the United States Government, except to the War Department, the Department of the Navy and Defense Supplies Corporation.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Temporary Maximum Price Regulation 31 (Federal Government purchases of new rubber tires and tubes, except War and Navy Department and Defense Supplies Corporation purchases), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.1901 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

TEMPORARY MAXIMUM PRICE REGULATION 31— FEDERAL GOVERNMENT PURCHASES OF NEW RUBBER TIRES AND TUBES EXCEPT WAR AND NAVY DEPARTMENT AND DEFENSE SUPPLIES CORPORATION PURCHASES

CONTENTS

SEC.

- 1 Prohibition against dealing in new rubber tires or tubes at prices above the maximum.
- 2 Less than maximum prices.
- 3 To what commodities and transactions this regulation applies.
- 4 Maximum prices.
- 5 Terms and conditions of sale.
- 6 Adjustable pricing.
- 7 Evasion.
- 8 Petitions for amendment.
- 9 Records and reports.
- 10 Enforcement.
- 11 Revocation or replacement of regulation.

SECTION 1 *Prohibition against dealing in new rubber tires or tubes at prices above the maximum.* From May 1, 1943, to June 30, 1943, regardless of any contract or other obligation, no person shall make any sale or delivery to which this regulation applies, of new rubber tires or tubes, at prices higher than the maximum prices permitted by this regulation;

and no person shall agree, offer, solicit, or attempt to make any such sale or delivery. "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes any government, or any of its political subdivisions, and any agency of any of the foregoing.

SEC. 2 *Less than maximum prices.* Prices lower than the maximum prices may be charged or demanded.

SEC. 3 *To what commodities and transactions this regulation applies—*

(a) *To what commodities this regulation applies.* This regulation applies to any new rubber tires or tubes of a type, tread, ply and size listed in the General Schedule of Supplies of the Procurement Division of the Treasury Department, including all amendments and supplements thereto, in effect on April 26, 1943. As used herein "General Schedule of Supplies of the Procurement Division of the Treasury Department" refers specifically to tires and tubes (Class 8) and airplane tires and tubes (Class 83). "New" as applied to tires and tubes means a tire or tube that has been used less than 1,000 miles. "Rubber" means all forms and types of rubber, including synthetic and reclaimed rubber and any other rubber-like substance used as a rubber substitute.

(b) *To what transactions this regulation applies.* This regulation applies to all sales and deliveries of new rubber tires or tubes to the United States Government or to any agency thereof except the agencies listed in the following sentence. This regulation does not apply to sales and deliveries to the War Department, the Department of the Navy, Defense Supplies Corporation or to any agency of any of the foregoing.

(c) *Geographical applicability of this regulation.* This regulation applies in the District of Columbia and the 48 States, but not in the territories and possessions of the United States.

SEC. 4 *Maximum prices.* The maximum price shall be the price stated in the General Schedule of Supplies of the Procurement Division of the Treasury Department, including all amendments and supplements thereto, in effect on April 26, 1943, for a tire or tube of the same type, tread, ply and size. As used herein "General Schedule of Supplies of the Procurement Division of the Treasury Department" refers specifically to tires and tubes (Class 8) and airplane tires and tubes (Class 83).

SEC. 5 *Terms and conditions of sale—*
(a) *Transportation costs.* The maximum prices established by this regulation are for tires and tubes delivered to the purchaser. If the seller does not deliver the tires or tubes to the purchaser, the actual cost of transportation to the purchaser shall be deducted from the maximum price.

(b) *Expenses on Lend-Lease sales and other government procurement.* The

maximum prices fixed by this regulation include all expenses on sales or deliveries to procurement agencies of the United States Government including sales for the account of the Office of Lend-Lease Administration, and no amount may be added to the maximum prices for any such expenses. Supplementary Order No. 34¹ shall not apply to this regulation.

Sec. 6 Adjustable pricing. No person subject to the provisions of this regulation shall enter into any agreement permitting the adjustment of prices of new tires and tubes covered by this regulation to prices which may be higher than the maximum prices, except in the following cases. Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. Any person may offer or agree to sell new tires and tubes covered by this regulation at prices in excess of the maximum prices in effect at the time the offer is made, in order to reflect the increase in the price of crude rubber occurring after March 31, 1943: *Provided*, That no person shall receive prices for such tires and tubes which are in excess of the maximum prices in effect at the time of delivery.

Sec. 7 Evasion. The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to tires and tubes, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

Sec. 8 Petitions for amendment. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1².

Sec. 9 Records and reports. (a) Every person making a sale subject to this regulation of tires or tubes, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such sale, showing the date thereof, the agency making the purchase, the price received, and the quantity of each type, brand name, tread, ply and size of tires and tubes sold.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require or permit.

Sec. 10 Enforcement. (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, provided by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or any price

schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

Sec. 11 Revocation or replacement of regulation. This regulation may be revoked or replaced by a permanent maximum price regulation or order issued by the Office of Price Administration.

Effective Period

This regulation shall become effective on May 1, 1943, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, June 30, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6849; Filed, May 1, 1943;
1:36 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 143,¹ Amendment 5]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 143 is amended in the following respects:

1. Section 1315.1510 (a) (2) is amended to read as follows:

(2) "Sale at wholesale" means any sale, other than a sale for original equipment of a vehicle, other than a sale to the United States Government or to any agency thereof, and other than a sale at retail.

2. Section 1315.1510 (a) (3) is amended to read as follows:

(3) "Sale at retail" means any sale to a purchaser for use by such purchaser and not for resale, except a sale to any agency of the United States Government other than the War Department or the Department of the Navy.

This amendment shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6848; Filed, May 1, 1943;
1:37 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 4326.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 63,¹ Amendment 10]

RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.108 (a) (2) is amended to read as follows:

(2) "Sale at retail" means any sale to a purchaser for use by such purchaser and not for resale, except a sale to any agency of the United States Government other than the War Department or the Department of the Navy.

This amendment shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6847; Filed, May 1, 1943;
1:37 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Correction to MPR 136, as Amended²]

MACHINES AND PARTS, AND MACHINERY SERVICES

In § 1390.11 (a) (3) the phrase "except as provided in paragraph (2) below" is corrected to read "except as provided in paragraph (e) below".

This correction shall become effective as of April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6850; Filed, May 1, 1943;
1:37 p. m.]

PART 1435—NONFERROUS MILL AND MACHINE PRODUCTS

[MPR 377]

DIE CASTINGS

In the judgment of the Price Administrator the prices of die castings threaten to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended. The Price Administrator has ascertained and given due consideration

¹ 8 F.R. 2110, 2663, 4332.

² 7 F.R. 5665, 5362, 6425, 6973, 5908, 6682, 6899, 6964, 6965, 6937, 7010, 7246, 7320, 7368, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 9001, 8948; 8 F.R. 5306.

¹ 7 F.R. 10779.

² 7 F.R. 8961; 8 F.R. 3313, 3533.

to the prices of die castings prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 377 are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1435.1 *Maximum prices for die castings.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with Revised Procedural Regulation No. 1¹ issued by the Office of Price Administration, Maximum Price Regulation No. 377 (Die Castings), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1435.1, issued under Pub. Laws 421 and 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION 377—DIE CASTINGS

ARTICLE I—COVERAGE AND APPLICABILITY

Sec.

- 1 Persons covered.
- 2 Products covered.
- 3 Relation to the General Maximum Price Regulation.
- 4 Exports.
- 5 Geographical applicability.

ARTICLE II—DIE CASTINGS SOLD OR DELIVERED IN THE BASE PERIOD

- 6 Meaning of "same die casting" and "base period".
- 7 How seller figures his maximum price on sales or deliveries of the same die casting after the base period.

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- 8 Meaning of "base date" and "pricing formula".
- 9 How the seller figures his maximum price on the first sale or delivery after the base date.
- 10 How the seller establishes a pricing formula when he did not have one on the base date.
- 11 Rules for applying pricing formula to metal costs.
- 12 Rules for applying pricing formula to direct labor cost.
- 13 Rules for applying pricing formula to overhead (burden), other cost factors, and profit, margin or markup.
- 14 Rules for figuring die and tool charges and charge for outside purchases.
- 15 How the seller figures his maximum price on subsequent sales or deliveries of die castings for which maximum prices were fixed under section 9.

ARTICLE IV—ADJUSTMENTS AND AMENDMENTS

- 16 Applications for adjustment.
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ARTICLE V—RECORDS AND REPORTS

- 18 Filing, pricing formulas and rates.
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- 32 Quarterly report on dollar value of deliveries of die castings and dies by companies exempt from MPR 377.

Article I—Coverage and Applicability

SECTION 1 *Persons covered.* This regulation applies to any person who sells die castings which he has produced or which have been produced by a subsidiary or affiliate of his. However, nothing in this regulation or in the General Maximum Price Regulation² shall apply to any sale or delivery of die castings by any person whose total deliveries of die castings, including dies, were less than \$100,000 during the calendar year 1942, except that such person must file a report on OPA Form 677:224 (set forth as section 32 of this regulation). The report must be filed on or before the fifteenth day of January, April, July and October of each year and must state dollar value of deliveries of all products and dollar value of deliveries of die castings, including dies, for the preceding calendar quarter. In addition, the report filed on or before the fifteenth day of July, 1943 must state dollar value of deliveries of die castings, including dies, during the calendar year 1942.

SEC. 2 *Products covered.* This regulation applies to all die castings, except die castings sold by the manufacturer of a completed product as a finished component part of such product. The term "die casting" is used in this regulation to describe any casting, rough or machined, produced by injection of molten nonferrous metal into a metal die at pressures on the molten metal higher than fifty pounds per square inch; it includes die castings which contain inserts or other pieces incorporated by a casting operation, but it does not include assemblies of two or more die castings, or one or more die castings and

one or more other parts (other than bolts, nuts, screws, rivets or other industrial fastenings), which have been joined together by any operation other than casting. When in connection with the sale of die castings a charge is made for dies or special tools used in producing the die castings, this charge shall be deemed to be a part of the price for the die castings, and shall be subject to this regulation. When such dies and special tools are sold separately, however, they are covered by Maximum Price Regulation No. 136, as amended, Machines and Parts, and Machinery Services.

SEC. 3 *Relation to the General Maximum Price Regulation.* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation and all supplementary regulations thereunder as to all sales of die castings for which a maximum price is established by this regulation or which are specifically exempted from this regulation.

SEC. 4 *Exports.* The maximum price at which a person may export die castings shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation³ issued by O. P. A.

SEC. 5 *Geographical applicability.* The provisions of this regulation shall apply only to the forty-eight states of the United States and to the District of Columbia.

Article II—Die Castings Sold or Delivered in the Base Period

SEC. 6 *Meaning of "same die casting" and "base period".* (a) *Meaning of "base period."* The term "base period" means the period from April 1, 1942 to April 30, 1943, inclusive.

(b) *Meaning of "same die casting."* (1) The term "same die casting" means a die casting which has the same design and specifications (including quantity and rate of delivery) as the die casting sold or delivered in the base period, or

(2) Where no die casting having the same design and specifications (including quantity and rate of delivery) was sold or delivered in the base period, then the term "same die casting" means a die casting which was sold or delivered in the base period and which was produced from the same basic die, or if the same basic die was not used during the base period then it means a die casting which was sold or delivered in the base period and which was produced from a different basic die but which was purchased for substantially the same use. However, in either of the cases in this subparagraph (2) a die casting is not considered as "the same die casting" if differences in design or specification, including quantity or rate of delivery, imposed by the customer or by order from government agencies, result in differences in metal or alloy, weight per piece,

* Copies may be obtained from the Office of Price Administration.
¹ 7 F.R. 8961.

² 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978.

³ 7 F.R. 5059, 7242, 8829, 9000, 10530; 8 F.R. 3846, 4132.

method or speed of production, tolerances, or inspection requirements and involve differences per 1000 die castings of 5% or more in total cost of manufacture (exclusive of profit and the cost of dies and tools). In computing total cost of manufacture the seller shall use his pricing formula and shall follow the rules laid down in sections 11, 12, 13 (a), 13 (b) and 14 (b).

SEC. 7. How the seller figures his maximum price on sales or deliveries of the same die casting after the base period. The seller shall figure his maximum price as follows:

First, the seller shall take as the base price the lowest net price at which he sold or delivered the same die casting during the base period to the same buyer, or to any buyer if no such sale or delivery was made to the same buyer. "Net price" here means the price after the seller's usual adjustment for extra charges, cash discounts or other allowances.

Second, the seller shall reduce the base price to the extent that it included a charge for dies and tools. The resulting price is the seller's maximum price except for the additions permitted by the next paragraph.

Third, to the price as so reduced the seller may add:

(1) A charge for dies and tools not exceeding the charge subtracted above. However, this charge may only be added if the seller has not already recouped the cost of the dies and tools and only until the seller has recouped the unamortized cost of the dies and tools; or

(2) Die and tool charges figured in accordance with sec. 14. However this charge may only be added when the die casting is purchased either by a buyer who did not buy or receive delivery of the same die casting in the base period or by a buyer whose specifications are such as to require the building of a new basic die;

(3) The estimated cost of die maintenance or repair, but only to the extent it was not included in the base price. If any addition permitted by this paragraph is made, it must be shown as a separate item on the quotation or billing furnished to the buyer. If a charge for dies and tools is included, as permitted by subparagraph (1) or (2) above, the seller must also show on the quotation or billing the unamortized cost of old dies and tools or the charge for new dies and tools and, in either event, how he will recoup this cost or charge.

Examples

1. Seller's lowest price during the base period for die casting "x" was \$121.00 per 1,000 on a sale of 500,000 pieces to buyer A. The dies and tools for this job cost \$1,000. The seller received \$500 in cash for the dies and tools at the time of sale and planned to amortize the other \$500 at the rate of \$1.00 per 1,000 over the 500,000 run. The order was cancelled after 250,000 had been run. Thus the seller had an unamortized die and tool cost of \$250. On May 15 A orders 500,000 of the same die castings. The price is figured as follows:

Base price.....	\$121.00 per 1,000
Less die and tool charge....	1.00
	\$120.00

To this the seller may add \$1.00 per 1,000 for the first 250,000 in order to recoup his unamortized die and tool cost, or \$.50 per 1,000 for the entire run, or he may receive a lump sum payment of \$250. His quotation or billing must then show "Price—\$120.00

per 1,000 plus \$1.00 per 1,000 on first 250,000", or "Price—\$120.00 per 1,000 plus \$.50 per 1,000 on 500,000", or "Price—\$120.00 per 1,000 plus \$250 in cash", to recover unamortized die and tool cost of \$250.

2. Seller's lowest price during the base period for die casting "Y" was \$81.00 per 1,000 on a sale to buyer B. The price included die and tool amortization at \$1.00 per thousand and at the end of the run the dies and tools were fully amortized. On May 25 buyer A orders 50,000 of the same die casting. The cost of dies and tools figured in accordance with sec. 14 is \$500. The price is figured as follows:

Base price.....	\$81.00 per 1,000
Less die and tool charge....	1.00
	\$80.00

The seller's quotation or billing may then read "Price—\$80.00 per 1,000 plus \$10.00 per 1,000 for die and tools" or "Price—\$80.00 per 1,000 plus \$500 for dies and tools" or "Price—\$80.00 per 1,000 plus \$300 and \$4.00 per 1,000 for dies and tools."

Article III—Die Castings Not Sold or Delivered in the Base Period

SEC. 8 Meaning of "base date" and "pricing formula"—(a) *Meaning of "base date."* The term "base date" means February 1, 1943, except that, if the seller did not use his pricing formula on that date, it means the most recent date before February 1, 1943, on which he did use his pricing formula.

(b) *Meaning of "pricing formula."* The term "pricing formula" means:

(1) The method or methods of figuring the prices for new die castings which the seller used on the base date, or

(2) The method established as provided in sec. 10 in case the seller had no pricing formula on the base date, either because he or his present plant was not then producing die castings on the base date, or for any other reason.

SEC. 9 How the seller figures his maximum price on the first sale or delivery after the base period. The seller shall figure his maximum price as follows:

First, the seller shall apply his pricing formula, in accordance with the rules in secs. 11, 12 and 13, to his best estimates of the variable factors included in his pricing formula. These variable factors normally include the amount of metal, the number of shots per hour, and the rates of production in the required cleaning, machining and inspecting operations;

Second, the seller shall arrive at a net price by making his usual adjustments for extra charges, cash discounts or other allowances;

Third, the seller shall reduce this net price by three per cent (3%). The resulting price is the seller's maximum price, except for the additions permitted by the next paragraph;

Fourth, to the price as so reduced, the seller may add (1) die and tool charges and (2) a charge for outside purchases, figured by using the rules in sec. 14. Any such additions must, however, be shown as separate items either on the quotation or billing furnished to the buyer.

SEC. 10 How the seller establishes a pricing formula when he did not have one on the base date—(a) *Filing proposed pricing formula with O. P. A.* If the seller had no pricing formula on the base date because he or his present plant

was not producing die castings on that date, or for any other reason, he shall submit to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., a proposed pricing formula and rates which shall reflect, as far as practicable, the pricing formula and rates which the seller would have used on February 1, 1943. The information required by this paragraph shall be filed on or before June 1, 1943, or within thirty days after the seller's first quotation of prices, whichever is the later.

(b) *Dates on which to base cost factors.* The seller should base his proposed pricing formula upon actual current metal costs and, as far as practicable, should relate other rates and factors in the pricing formula to conditions prevailing on February 1, 1943. For example, if he was not in business on February 1, 1943 in the locality in which the die castings are to be produced, he should take as the basis for his calculations of labor costs the wage rates prevailing in that locality on February 1, 1943. In addition, the pricing formula submitted must be in such detail that O. P. A., if furnished the factors peculiar to the individual die casting, would be able to arrive at the same price as the seller.

(c) *Contracts to sell before filing proposed formula and rates.* Before filing his proposed pricing formula and rates, the seller may contract or offer or agree to contract for the sale of die castings at a price figured or to be figured in accordance with the pricing formula and rates to be proposed. However, he must file his proposed pricing formula and rates with O. P. A. before making any deliveries at the proposed price and before accepting any payments. When he has filed his proposed pricing formula and rates, he may sell, deliver and accept payment for die castings at prices determined in accordance with the pricing formula and rates proposed by him, but he may not charge any higher price.

(d) *Action by O. P. A. on proposed formula and rates.* The seller shall, upon request, supply to O. P. A. any additional information that may be required to enable O. P. A. to determine whether the pricing formula and rates proposed will result in prices which are in line with the general level of prices established by this regulation. If O. P. A. after consultation or communication with the seller, determines that the pricing formula and rates proposed will not result in such prices, or if the pricing formula or rates are not submitted in sufficient detail, O. P. A. may disapprove, in writing, the pricing formula and rates and the prices resulting from their use.

(e) *Notice of disapproval of proposed formula and rates.* If the pricing formula and rates submitted are disapproved, notice to that effect will be given to the seller by a letter signed by the Price Executive, Non-Ferrous Metals Branch, O. P. A., together with an approved pricing formula and rates or directions for determining such a pricing formula and rates. At the request of the seller, made within thirty days from the date of such

notice, the disapproval and the approved pricing formula and rates or method of determining an approved pricing formula and rates will be incorporated in an order.

(f) *Effect of a notice of disapproval.* On and after the seventh day following the date of the notice of disapproval (that is, the date of mailing by the National Office of O. P. A., Washington, D. C.), the seller shall not sell, deliver or offer to sell or deliver die castings at prices higher than the prices determined by the application of the pricing formula and rates approved by O. P. A. In no event will disapproval of the pricing formula or rates submitted affect deliveries made by the seller prior to the seventh day following the date of the notice of disapproval, if the proposed pricing formula and rates were filed in accordance with this paragraph. However, O. P. A. may direct in the notice of disapproval that on and after the seventh day following the date of disapproval, or on and after any subsequent date specified in the notice, all sales and deliveries shall be made in compliance with the maximum prices determined by the application of the pricing formula and rates approved by O. P. A., regardless of then existing contracts or other obligations.

SEC. 11 *Rules for applying pricing formula to metal costs.* If the pricing formula includes cost of metal, the seller shall figure cost of metal as follows:

(a) *Where seller purchases ingot.* If the seller purchases die casting alloy ingot, he shall use as the per pound cost of metal an amount no greater than his current delivered per pound cost. In figuring this cost he shall use the method included in the pricing formula. Of course, the delivered cost so used may not exceed the maximum price fixed for such ingot by O. P. A. at the time the seller figures his price plus any freight or delivery charges actually paid by the seller.

(b) *Where seller does his own alloying.* If the seller does his own alloying he shall use as the per pound cost of his metal an amount no greater than the maximum price fixed by O. P. A. for such die casting alloy ingot at the time the seller figures his price plus any freight or delivery charges that would have been paid by the die caster. In determining this maximum price the seller shall assume that he purchased the alloy ingot at one time in the quantity necessary to produce the number of die castings ordered by the buyer.

(c) *Where seller includes melting costs in cost of metal.* If cost of metal in the pricing formula included melting cost, such as power or fuel, the seller shall determine melting cost in accordance with the method specified in the pricing formula.

(d) *Amount of metal.* Costs of metal, as limited by the preceding paragraphs (a) to (c), inclusive, shall be applied to the seller's best estimates, based insofar as possible on previous production experience, of the weight of the die casting and the amount of metal required to

produce it. In figuring the amount of metal required, the seller shall figure his melting loss in accordance with the pricing formula.

SEC. 12 *Rules for applying pricing formula to direct labor cost.* If the pricing formula includes direct labor costs, the seller shall figure direct labor costs as follows:

(a) *Where the formula is based on actual labor rates.* If actual labor (rather than machine hour, piece, or average) rates are included as a factor in the pricing formula, the seller shall use for each class of labor straight time and overtime rates no higher than those paid on the base date or established under section 10. "Straight time and overtime labor rates paid" on the base date shall include any wage increases approved by the National War Labor Board subsequent to the base date and made retroactively effective on or before the base date. In figuring his actual labor rates the seller may use no larger proportion of overtime to straight time than the ratio of actual overtime labor to straight time labor on the base date or than the ratio established under section 10.

(b) *Where the formula is based on machine hour, piece or average rates.* If machine hour, piece or average rates are included as a factor in the pricing formula, the seller shall use machine hour, piece or average rates based on labor rates no higher than those paid on the base date or than those established under section 10; for example, if on February 1, 1943, the seller used a rate of \$4.00 per hour on a standard casting machine, based on the wage rates paid on February 1, 1943, then a rate no higher than \$4.00 per hour may be used in figuring the price of any die casting made on that machine.

(c) *When labor costs are direct costs.* In deciding whether items of labor cost are direct costs and are to be treated as separate items in figuring the price or are to be treated as overhead, the seller shall follow the practice set out in the pricing formula. Thus, if the seller treated cleaning labor as an item of overhead on February 1, 1943, he must continue so to treat it in figuring his maximum price.

(d) *Amount of labor.* The labor rates, as limited by the preceding paragraphs (a) to (c), inclusive, shall be applied to the seller's best estimates of the number of hours required. This estimate shall be based insofar as possible on his previous actual experience as to shots per hour and of production rates in cleaning, machining, and inspecting operations.

SEC. 13 *Rules for applying pricing formula to overhead (burden), other cost factors, and profit, margin or markup—*

(a) *To overhead (burden) rates.* The seller shall apply no overhead or burden rates or factors higher than the rates or factors in the pricing formula and shall make no changes in the method of application of these rates or factors which will result in a higher price. However,

if the seller has increased his overhead or burden rates or factors since March 31, 1942, he shall use overhead or burden rates or factors no higher than those which he used on that date. For example, if the seller added 75% to cleaning labor and 300% to casting labor for burden on February 1, 1943, he shall not increase these percentages or apply them in different places unless the result of such change is to lower the price, but if the seller added only 60% to cleaning labor and 250% to casting labor for burden on March 31, 1942, he may not now use larger factors than these.

(b) *To other cost factors.* The seller shall apply no cost factors not included in the pricing formula and shall make no changes in the method of application of those factors which will result in a higher price.

(c) *To profit, margin or markup.* The seller shall use no profit, margin or markup higher than the profit, margin or markup in the pricing formula and shall make no change in the method of application which will result in a higher price. However, if the seller has increased his profit, margin or markup since March 31, 1942, he shall use a profit, margin or markup no higher than he used on that date. For example, if the seller added 6% to total costs for profit on February 1, 1943, he may now use no percentage of profit in excess of 6%; but if he added only 5% to total costs on March 31, 1942, he may not now use a higher percentage than 5%.

SEC. 14 *Rules for figuring die and tool charges and charge for outside purchases—*(a) *Die and tool charges.* If the pricing formula permits die and tool charges to be added, the seller shall handle die charges as follows:

(1) The seller shall use the method of figuring die and tool charges specified in the pricing formula, except that the total amount of such die and tool charges shall in no event exceed the total estimated manufacturing cost or delivered purchase cost of the dies and tools. "Total manufacturing costs" means the sum of metal costs, direct labor costs, engineering costs, and die and tool shop overhead but it does not include administrative and selling expenses or profit.

(2) The seller must show separately on the quotation or invoice furnished to the buyer any charge made for dies and tools. This charge may be made either in a single lump sum, may be amortized over the number of castings estimated to be produced from the dies and tools, or may be recovered by a combination of these methods. Thus, based on 50,000 pieces and a \$500 die, the charge may be billed as "Die charges—\$500", as "Die charges—\$10 per thousand pieces", or as "Die charges—\$200 and \$6 per thousand pieces."

(b) *Charge for outside purchases.* If the pricing formula permits a charge for outside purchases to be added, the seller shall handle outside purchases as follows:

(1) The seller shall use the method of figuring the charge for outside purchases

specified in the pricing formula except that the total amount figured shall in no event exceed the actual price paid by the seller to any person, other than the seller's own employees, for any services or materials (other than metals) incorporated in the die casting, plus allowances for loss and handling figured in accordance with the practice specified in the pricing formula.

(2) The seller must show separately on the quotation or invoice furnished to the buyer any charge for outside purchases.

SEC. 15 *How the seller figures his maximum price on subsequent sales or deliveries of die castings for which maximum prices were fixed under section 9.* The seller's maximum price for all subsequent sales or deliveries of the same die casting shall be the price at which the seller first sold or delivered such die casting after the base period, except that:

(a) The seller may re-figure the maximum price for clerical errors but only upon first making proper showing by letter or other writing of the specific character of such errors to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and obtaining approval of the corrections from the Price Executive of that Branch.

(b) If the price on the first sale or delivery after the base period was in violation of this regulation, the price shall be adjusted downward until it complies with this regulation; and

(c) All of the provisions of paragraphs "Second" and "Third" of section 7 shall apply to the prices as so adjusted or reduced.

Article IV—Adjustments and Amendments

SEC. 16 *Applications for adjustment—(a) When available.* O. P. A. may, by order, adjust any maximum price established by this regulation whenever it finds, from an application for adjustment or on its own motion, that the price impedes or threatens to impede production of one or more die castings:

(1) The production of which, in the opinion of O. P. A., aids directly in the war program or is necessary to a standard of living consistent with the prosecution of the war, both because of

(i) The type of die casting produced, and

(ii) The importance of continued production of the die casting by the particular seller, or

(2) The maximum prices of which, after adjustment, are as low as or lower than the prices which buyers would be required to pay to the seller's competitors if the seller ceased to produce the die castings. Note, however, that not only the conditions of this subparagraph (1) or (2) must be met, but also those of paragraphs (b) and (c).

(b) *Principal considerations.* In deciding whether production is impeded or threatens to be impeded, although other relevant factors may be considered, prin-

cipal consideration will be given to the over-all profit or loss of the seller before income and excess profits taxes. Whenever possible the seller's future annual earnings before income and excess profits taxes (here called "projected profit"), as estimated by O. P. A. on the basis of actual current earnings, will be compared with the seller's average profit or loss before income and excess profits taxes for his four fiscal years beginning on or after January 1, 1936 adjusted for changes in invested capital (here called "base profit"). Where the seller was not in business during a part or all of this base period, or where the base profit is lower than the base profit which the O. P. A. considers adequate for die casters of comparable size, a profit which O. P. A. considers adequate will be used as the base profit. In addition, whenever an adjustment in the price of one or more individual die castings is requested, consideration will be given to the relation of the costs of producing the die casting or castings to the maximum price or prices and to the importance of the die casting or castings to the seller's total production.

(c) *Amounts of adjustment.* Increases in price will be permitted in an amount considered sufficient by O. P. A. to avoid the impeding of production, or the threat to it.

(d) *Prices pending disposition of application.* Upon the filing of an application for adjustment or within five days prior thereto and until final disposition of the application, contracts may be entered into or proposed and deliveries made at the prices requested in the application, except that the seller may not receive and the buyer may not pay the amount by which the price exceeds the maximum price until an order granting the requested adjustment has been issued. The seller shall include in any sale, contract to sell or offer to sell at the price requested in an application the following:

(1) The maximum price for the die casting in question.

(2) A statement that the quoted price is subject to Approval by O. P. A.

(3) A statement that an appropriate application has been filed, or will be filed within five days, with O. P. A.

(e) *Form of application.* It is suggested that, before filing an application for adjustment under the provisions of this section, the seller obtain from the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action. Every application for adjustment shall contain a statement, signed by the seller, that the statements made in the application are known by the seller, or a duly authorized officer or partner of the seller, to be true and correct.

(f) *Place for filing application and number of copies.* An original and one copy of an application for adjustment must be filed with the Office of Price Administration, Washington, D. C.

(g) *Supplementary Order No. 9⁴ and Procedural Regulation No. 6⁵ not to apply.* Supplementary Order No. 9 issued by O. P. A. dealing with applications for adjustment under Procedural Regulation No. 6 of maximum prices on sales pursuant to Government contracts or subcontracts shall not apply to applications for the adjustment of the maximum price of a die casting.

SEC. 17 *Petitions for amendment.* Any person seeking an amendment of any provision of this Regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by O. P. A.

Article V—Records and Reports

SEC. 18 *Filing pricing formulas and rates.* Each person selling die castings on or after May 1, 1943, who had a pricing formula on the base date, shall (to the extent he has not already done so) file on or before June 1, 1943, with the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., his pricing formula together with the various rates and standards used in the formula. The formula must conform exactly to the seller's practice on the base date, except as provided in sections 13 (a) and 13 (c). The rates shall be the labor rates paid for each class of labor on the base date or machine hour, piece or average rates based on the straight time and overtime labor rates then in effect. The formula must, further, be in such detail that if O. P. A. is furnished the factors peculiar to the individual die casting (such as the time required for the different kinds of labor, the alloy, the quantity ordered, etc.), O. P. A. would be able to arrive at the same maximum price as the seller.

SEC. 19 *Records to be kept by sellers and buyers.* Every person making a sale of die castings subject to this regulation or a purchase in the course of trade or business shall keep available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, or any applicable part, amendment or supplement remains in effect:

(a) Complete and accurate records of each sale, showing:

(1) The date of the sale;

(2) The name and address of the other party to the sale;

(3) The net price received or paid together with the specific information which the seller is required to furnish to the buyer under sections 7, 9 and 14;

(4) The quantity and description of each type of die casting sold; and

(5) In the case of the seller, (i) a summary of the calculations made in figuring the price charged and (ii) records, kept in whatever form the seller normally maintained prior to May 1, 1943, showing operating results obtained in such detail as will permit of a comparison with

⁴ 7 F.R. 5444, 9323; 8 F.R. 4510, 4785.

⁵ 7 F.R. 5087, 5664.

the data shown in the summary of calculations referred to in (i); and

(b) All available records concerning sales and production, including costs for the base period.

SEC. 20 Other records and reports. Persons subject to this regulation shall keep such other records and submit such other reports, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as O. P. A. may from time to time require or permit, either in addition to or in substitution for, records and reports required by this regulation.

Article VI—Developmental, Secret and Cost Plus Contracts and Subcontracts

SEC. 21 Developmental contracts and subcontracts—(a) Meaning of "developmental contract". No developmental contract or subcontract shall be exempt from any of the provisions of this regulation except upon full compliance with the provisions of, and to the extent provided in, this section. A contract or subcontract is considered to be "developmental" only during the period required for the selection of a suitable die casting by the buyer or for the accumulation of sufficient production experience by the seller to permit a fair estimate of the manufacturing costs, or both.

(b) *When developmental contracts are exempt.* This regulation shall not apply to any die casting produced pursuant to a contract or subcontract certified in writing to the Office of Price Administration, Washington, D. C., by the United States or an agency thereof as being developmental, if a report is filed in accordance with paragraph (c) of this section. However, if a developmental contract or subcontract is also classified as "confidential" or "restricted" by any agency of the United States and if such agency states in the certification required by this paragraph (b) that such contract or subcontract is "confidential" or "restricted" and sets forth its date and number or other designation, the report required by paragraph (c) need not be filed.

(c) *Filing of report of developmental contract.* Within twenty days after entering into any developmental contract or subcontract, the seller shall file a report with the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., containing a description of the die casting to be manufactured, a summary of the terms of the contract or subcontract, including all pricing provisions, a short statement of the production plans of which the contract is a part, and an estimate of the expected duration of such developmental work. For any such contract or subcontract in effect on May 1, 1943, the report shall be filed before May 20, 1943.

(d) *When developmental contracts cease to be exempt.* After O. P. A. has determined, upon consultation or communication with the appropriate government agency that the period necessary

for development has expired, and has in writing so notified such agency, this regulation shall apply to all subsequent sales and deliveries of the die castings. The maximum price for such die castings shall thereafter be determined under sections 9 and 15, except that the seller shall use as the variable factors in applying his pricing formula to the first sale his actual production experience and not his best estimates.

SEC. 22 Secret contracts and subcontracts—(a) Introductory. No secret contract or subcontract shall be exempted from any of the provisions of this regulation except upon full compliance with the provisions of, and to the extent provided in, this section.

(b) *When secret contracts are exempt.* This regulation shall not apply to any die casting produced pursuant to a contract or subcontract which is deemed to be a "secret" contract or subcontract and is certified as such to O. P. A. by the United States or any agency thereof or by the government of any country whose defense the President deems vital to the defense of the United States under the Terms of the Act of March 11, 1941 entitled "An Act to promote the defense of the United States" or any agency of any such government. Such certification shall be filed within twenty days after any such secret contract is entered into or if such secret contract was in effect on May 1, 1943, the certification shall be filed before May 20, 1943. Each such certification shall set forth the date of the secret contract and its number or other designation.

(c) *When secret contracts cease to be exempt.* After O. P. A. shall have received notice from the certifying government agency that such contract or subcontract is no longer deemed to be secret, this regulation shall apply to all subsequent sales and deliveries of die castings thereunder. The maximum price for such die castings shall thereafter be determined under sections 9 and 15 except that the seller shall use as the variable factors in applying his pricing formula to the first sale his actual production experience and not his best estimates.

SEC. 23 Cost plus contracts. No contract based on cost plus a percentage of cost, or cost plus a fixed fee, which results in a price higher than the maximum price, is permitted under this regulation unless the contract qualifies as a developmental or secret contract under the provisions of this section. Thus, for example, a subsequent sale of a die casting for which section 9 establishes the maximum price on a first sale must be made at a price not in excess of the price established by section 15 even though the first sale or delivery after the base period was made under a cost plus contract covering a series of transactions.

Article VII—Prohibitions and Enforcement

SEC. 24 Prohibited sales and deliveries. On and after May 1, 1943, regard-

less of any contract, agreement or other obligation:

(a) No person shall sell or deliver any die casting at a price higher than the maximum price established by this regulation.

(b) No person in the course of trade or business shall buy or receive any die casting at a price higher than the maximum price. However, the buyer will be considered to have complied with this paragraph if he obtains from the seller a written statement signed by the seller or a responsible official of the seller, that to the best of the seller's knowledge, information and belief, the price charged is not higher than the maximum price fixed by this regulation and also if, in such case, the buyer has no reason to doubt the accuracy of the statement. Further, the buyer will be considered to have obtained the statement referred to in the preceding sentence if:

(1) He obtains a letter or other written statement to the buyer, signed by the seller or a responsible official of the seller, to the effect that the prices on all invoices to be issued will not be higher than the applicable maximum prices established by this regulation and that the seller's method of figuring prices has been so established as to achieve this result, and

(2) The seller stamps an appropriate statement on each invoice or bill.

(c) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section.

(d) If a contract of sale has been entered into before May 1, 1943, the parties to the contract, until June 1, 1943, may make and accept deliveries of the die castings required or specified in the contract and the seller may render bills or invoices for the die castings to the buyer at the contract price, but if necessary the prices shall be adjusted downward to accord with the maximum prices established by this regulation within a period not to exceed thirty days after the billing or invoicing.

SEC. 25 Prohibited evasive practices—(a) General. Any practice which is an attempt to get the effect of a price higher than maximum without actually charging a higher price is prohibited and is as much a violation of this regulation as an outright excessive price. This applies to devices making use of commissions, service charges, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

(b) *Specific practices.* Without limiting the effect of paragraph (a), the following evasive practices are specifically prohibited:

(1) Obtaining the effect of a higher price by changing credit practices or cash discounts from what they were during the base period or on the base date, as the case may be. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit.

(2) Obtaining the effect of a higher price by refusing to sell on a delivered basis, and insisting on selling on an f. o. b. shipping point basis, or by making the buyer a smaller allowance against the freight or transportation charges than he made during the base period or on the base date, as the case may be.

(3) Obtaining the effect of a higher price by making minor changes in die castings which have established maximum prices; by requiring a buyer to furnish material for processing not in accordance with previous practice; by entering into a joint venture with any other person subject to this regulation for cross-selling or cross-purchasing; by reducing the period of any guaranty or warranty; by undervaluing commodities received in connection with the sale; by distorting estimates of time, material, defectives or other factors in figuring a price; by including excessive die and tool charges on original orders or by including the amortized portions of die and tool charges on reorders; or by making any other change in terms or conditions of sale.

SEC. 26 *Less than maximum prices.* Lower prices than those provided in this regulation may be charged, demanded, paid or offered.

SEC. 27 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) No war procurement agency or any contracting or paying officer thereof shall be subject to any liability, civil or criminal, imposed by this regulation or the Emergency Price Control Act of 1942, as amended. "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department; the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Company, Defense Plant Corporation and Defense Supplies Corporation; the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941; or an agency of any of the foregoing.

Article VIII—Miscellaneous

SEC. 28 *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business dealing in die castings are sold or otherwise transferred after the base period, and the transferee carries on the business, or continues to deal in die castings in the same competitive area and in an establishment separate from any other establishment previously owned or operated by the transferee, the transferee shall be subject to the same maximum prices as those to which the transferor would have been subject if no such transfer had taken place, and the transferee's obligation to

keep records sufficient to verify such prices shall be the same as that of the transferor. The transferor in such cases shall either preserve and make available, or turn over to the transferee, all records of transactions that are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 29 *Adjustable pricing.* It is permissible under this regulation to provide in a contract that the price shall be adjustable to a price not higher than the maximum price in effect at the time of delivery.

SEC. 30 *Federal and state taxes.* Any tax upon or incident to the sale, delivery, processing or use of a die casting, imposed by any statute of the United States or any statute or ordinance of any state or subdivision thereof, shall be treated as follows in figuring the seller's maximum price for such die casting, except that the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942, shall for purposes of figuring the applicable maximum price, be treated as though it had been an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire:

(a) As to a tax in effect during the base period:

(1) If the seller paid the tax, or if the tax was paid by any prior seller, irrespective of whether the amount was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the base period or on the base date, as the case may be, the amount of the tax paid by him or tax reimbursement collected from him by his seller, the seller may not collect such amount in addition to the maximum price.

(2) In all other cases, if, at the time the seller figures his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior seller and separately stated and collected from the seller by the seller from whom he purchased.

(b) As to a tax or increase in a tax which becomes effective after the base period, if the statute or ordinance imposing the tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of the tax paid by any prior seller and separately stated and collected from the seller by the seller from whom he purchased.

SEC. 31 *Definitions.* (a) The term "person" includes an individual, corporation, partnership, association or any

other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the terms used herein.

Article IX—Forms

SEC. 32 *Quarterly report on dollar value of deliveries of die castings and dies by companies exempt from MPR 377.*

Budget Bureau Approval No. 08-R-407
Expires 8/5/43

OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

DIE CASTINGS

OPA FORM 677-224

QUARTERLY REPORT ON DOLLAR VALUE OF DELIVERIES OF DIE CASTINGS AND DIES, BY COMPANIES EXEMPT FROM MPR 377

This form must be filed in the Washington Office of OPA on or before the 15th of January, April, July, or October by any company exempt from MPR 377. Any company with deliveries of less than \$100,000 of die castings (including dies) in the calendar year 1942 is exempt from regulation.

Name of Company: _____
Address: _____
City and State: _____
Type of Organization: (check one)
Individual Ownership () Partnership
() Corporation ()
Dollar Value of Deliveries in Calendar
Quarter Ended _____, 1942:
(a) of all products _____
(b) of die castings (including dies) _____
NOTE: For report to be filed July 15, 1943
only, dollar value of deliveries for year
1942: _____

The statements of fact in this report are known to the undersigned to be true and correct, and any estimates given are believed to be correct.

(Signed) _____
(Title) _____

Date: _____

Effective Date

This regulation shall become effective May 1, 1943.

Issued this 1st day of May 1943.

NOTE: All report and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6851; Filed, May 1, 1943;
1:36 p. m.]

PART 1448—EATING AND DRINKING
ESTABLISHMENTS
[Restaurant MPR 4-1]

FOOD AND DRINK SOLD FOR IMMEDIATE
CONSUMPTION

In the judgment of the Regional Price Administrator of Region IV, the prices

of food and beverages sold for immediate consumption in the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Regional Administrator of Region IV, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the Regional Administrator of Region IV gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (F.R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Regional Price Administrator of Region IV hereby issues this Restaurant Maximum Price Regulation No. 4-1, establishing as maximum prices for food and drink sold for immediate consumption in the states mentioned above the prices prevailing therefor during the seven-day period beginning April 4, 1943 and ending April 10, 1943.

§ 1448.301 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Regional Administrator of Region IV by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50 issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 4-1 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made part hereof, is issued.

AUTHORITY: § 1448.301 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION No. 4-1—Food and Drink Sold for Immediate Consumption

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SECTION 1 Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

SEC. 2 How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943 to April 10, 1943. Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943 and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3 How you figure ceiling prices for food items and meals you did not sell in the seven-day period. You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period as follows:

(a) Choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal which is most similar to the food item or meal you are pricing; and

(b) Figure a price "in line" with the ceiling price of that most similar food item or meal. A price is "in line" if the customer receives as much value for his money from the one item or meal as from the other, even though the two prices may be different. In comparing values, quality, size of the portions, and the margin over food cost are the things that count; or

(c) If you prefer, take as your ceiling price the last price at which you offered the same food item or meal for sale before the seven-day period.

(d) Once your ceiling price for a food item or meal has been fixed, it may not be changed.

SEC. 4 Classes of food items and meals. (See definition of "food item" and "meal" contained in section 16.)

(a) *The classes of food items.*

BREAKFAST ITEMS

1. Fruits and fruit juices.
2. Cereals.
3. Egg and combination egg dishes served at breakfast.

4. Breads, rolls, toast, etc., served at breakfast.
5. All other breakfast dishes.

OTHER ITEMS

6. Appetizers and cocktails.
7. Soups.
8. Beef.
9. Pork.
10. Lamb, mutton.
11. Veal.
12. Poultry.
13. Fish and shellfish.
14. Miscellaneous and variety meats including liver, kidneys, and made dishes such as stews, casseroles, etc.
15. Egg and cheese dishes which might be served as a main dish or entree in a meal.
16. All other dishes which might be served as a main dish or entree in a meal, such as spaghetti, vegetable plate, baked beans, chop suey, etc.
17. Potatoes.
18. All other vegetables.
19. Bread and butter.
20. Salads (except as served as main course in a meal).
21. Cakes, cookies, pies, pastries and other baked goods.
22. Ice cream and all fountain items.
23. All other desserts including fruits, puddings, cheese, etc.
24. Hot sandwiches.
25. Cold sandwiches.
26. All other food items.

BEVERAGES

27. Non-alcoholic beverages.
28. Beer and other malt beverages.
29. Wines.
30. Other alcoholic beverages.

(b) *The classes of meals.* For purposes of this regulation there shall be ten classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays.

SEC. 5 No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period. Under no circumstances are you permitted to charge a higher price for a food item or a meal than your highest ceiling price for food items or meals of the same class offered in the seven-day period.

Example 1. If you figured an "in line" price for a new week-day dinner at \$1.25, and your highest ceiling price in the week-day dinner class is \$1.00, your ceiling price for the new dinner is \$1.00.

Example 2. If your highest ceiling price for any soup offered by you during the seven-day period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

SEC. 6 Prohibition against discontinuing meals at certain prices. You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day period, and unless

(b) You continue to offer at least as many different meals at or below the lowest price charged by you for meals

of the same class on any day that you select in the seven-day period, as you did on that day.

Example: If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, \$1.00, \$1.10, \$1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 7 Evasion. You must not evade the provisions of this regulation by any scheme or device, including:

(a) Deteriorating quality or reducing quantity without making appropriate reductions in price;

(b) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(c) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period;

(d) Requiring as a condition of sale of an item or meal the purchase of other items or meals, except that you may refuse to sell coffee unless a customer also purchases another food item;

(e) Refusing to sell combinations of food items as meals if such meals were offered in the seven-day period and the items making up the combinations are being offered separately.

(f) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup and mustard, you may not now discontinue furnishing these items free, and at the same time offer to furnish them for an additional charge.

SEC. 8 Rules for new proprietors. (a) If you acquire another's business and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor.

(b) If you open an eating or drinking place after the seven-day period, you

must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 10 and the posting requirements of section 11 immediately upon the opening of your place.

SEC. 9 Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 10 Records. You must observe all the record keeping requirements of General Order No. 50. This order requires, among other things, that you do the following:

(a) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(b) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must prepare in duplicate and make available for such examination a list of the highest prices you charged in the seven-day period.

(c) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals.

SEC. 11 Posting. (a) Beginning May 3, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

All prices listed are our ceiling prices unless otherwise indicated, in which case they are below ceiling prices. By Office of Price Administration regulation, our ceilings are our highest prices from April 4, 1943 to April 10, 1943. Records of these prices are available for your inspection.

If you do not use menus, you must post the statement by a sign which can be easily read by your customers and which must be located near the cashier's desk, if any, or, if none, in such location that the customer can easily read same at the time of purchase.

(b) Whenever an item or meal appears on a menu or price list at a price below the ceiling price, the ceiling price must be shown as well as the offering price.

(c) If you made menus available to customers in the seven-day period, you shall continue to make them available.

SEC. 12 Operation of several places. If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 13 Relation to other maximum price regulations. The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration. For example, bottles of milk, and beer, not sold as part of a meal, remain subject to the General Maximum Price Regulation, as amended.

SEC. 14 Geographical application. This Restaurant Maximum Price Regulation No. 4-1 applies to the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

SEC. 15 Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 16 Definitions and explanations.

(a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Eating or drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold except those places which are specifically exempted in section 17 hereof.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 17 Exempt sales. Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Bona fide private clubs insofar as such clubs sell only to members and bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking place within the meaning of this regulation. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and otherwise is operated as a private club.

No club organized after the effective date of this regulation shall be exempt unless and until it has filed a request for exemption with the nearest State or district office of the Office of Price Administration, furnishing such information as may be required, and has received communication from such office authorizing exemption as a private club.

(b) Eating and drinking places located on church premises and operated in connection with special church, Sunday School and other religious occasions.

(c) Public and private hospitals insofar as such hospitals serve food to patients. Public and private hospitals are covered by the regulation insofar as such hospitals sell meals to visitors, employees, and private nurses.

(d) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars: *Provided, however,* That peddlers aboard railroad cars who make no sales outside of the states enumerated in section 14 shall not be exempt but shall be covered by the regulation.

SEC. 18 Special Orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

SEC. 19 Revocation. This regulation may be revoked, amended or corrected at any time.

This regulation shall become effective April 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of April, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-6852; Filed, May 1, 1943; 1:34 p. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 165 as Amended,¹ Amendment 20]

SERVICES

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 165 is amended in the following respects:

The text of § 1499.114 (d) and the second undesignated paragraph are amended to read as set forth below:

(d) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the case of any seller or group of sellers, or establish maximum prices in any area for any service regulated by this regulation, when it appears:

Each Regional Administrator is authorized under this paragraph (d) to make adjustments, act upon applications for adjustments, or establish maximum prices in any area subject to his jurisdiction.

This amendment shall become effective May 7, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6853; Filed, May 1, 1943; 1:38 p. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 165,¹ as Amended, Amendment 21]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 165 is amended in the following respects:

1. In § 1499.101 (c), subparagraphs (1), (2), (12), (44), (52) and (53) are hereby revoked.

2. Section 1499.101 (c) (15) is amended by deleting the following words, "rental of costumes and dress suits."

This amendment shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6854; Filed, May 1, 1943; 1:36 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8946, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[RPS 7,¹ Amendment 10]

COMBED COTTON YARNS AND PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 7 is amended in the following respects:

1. Section 1307.9 (g) is amended by changing the phrases "10s to 24s inclusive, 1 $\frac{1}{16}$ " and "25s to 30s inclusive, 1 $\frac{3}{32}$ " to read "10s to 23s inclusive, 1 $\frac{1}{16}$ " and "24s to 30s inclusive, 1 $\frac{3}{32}$ ", respectively.

2. Section 1307.9 (k) is added to read as follows:

(k) "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department of the United States.

3. Section 1307.12 (d) (2) is hereby revoked.

4. Section 1307.12 (d) (3) is amended to read as follows:

(3) Table of maximum prices for combed yarns. The maximum prices appearing in column B apply only to sales to (i) a war procurement agency, or (ii) any person who, in making the particular purchase, is acting as an agent for such agency.

The maximum prices appearing in column A apply to all other transactions, as well as to all transactions (regardless of who the purchaser is) in yarn numbers 52s and above.

For a yarn number intermediate between any two appearing in one of the following columns the maximum price shall be that price obtained from that column by interpolation in accordance with the respective yarn numbers.

TABLE I

Yarn numbers	Column A		Column B	
	Singles	Plied	Singles	Plied
(Cents per pound)				
8s.....	43	46	45	48
10s.....	43	46	45	48
12s.....	43.5	46.5	45.5	48.5
14s.....	44	47	46.25	49.25
16s.....	44.5	47.5	47	50
18s.....	45	48	47.75	50.75
20s.....	45.5	49	48.5	52
22s.....	46	50	49.25	53.25
24s.....	47	51	50.25	54.25
26s.....	48	52	51.25	55.25
28s.....	49	53	52.25	56.25
30s.....	50	54	53.25	57.25
32s.....	51	55.5	54.25	58.75
34s.....	52	57	55.25	60.25
36s.....	53.5	58.5	56.75	61.75
38s.....	55	60	58.25	63.25
40s.....	56.5	62	59.75	65.25
42s.....	58	64	61.25	67.25
44s.....	60	66	62.75	68.25
46s.....	62	68	64.25	70.25
48s.....	64	70	65.75	71.75
50s.....	67	73	67.25	73.25

¹ 7 F.R. 1221, 2000, 2132, 2277, 2393, 2509, 2737, 3160, 3551, 3664, 5481, 8948, 9732, 10469; 8 F.R. 972.

TABLE I—Continued

Yarn numbers	Column A		Column B	
	Singles	Plies	Singles	Plies
	(Cents per pound)			
52s	69	75		
54s	71	77		
56s	73	79		
58s	75	81.5		
60s	77	84		
62s	79	86		
64s	81	88		
66s	83	90		
68s	85	92.5		
70s	87	95		
72s	89	97		
74s	91	99		
76s	93	100		
78s	95	103		
80s	97	105		
82s	99	109		
84s	102	113		
86s	106	118		
90s	114	126		
100s	134	148		
110s		170		
120s		194		

This amendment shall become effective the 5th day of May 1943.

(Pub. Laws 421 and 729 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6877; Filed, May 4, 1943;
4:24 p. m.]

PART 1340—FUEL

[MPR 121,¹ Amendment 13]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.249 is amended by adding a new paragraph, (f), to read as follows:

(f) Anything in this regulation contained to the contrary notwithstanding, on or after February 18, 1943, any producer of beehive oven foundry coke in Fayette County, West Virginia, may sell or dispose of such coke at a price not to exceed \$8.10 per net ton f. o. b. ovens, and any person may buy or receive such coke at such maximum price.

This amendment shall become effective May 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6889; Filed, May 1, 1943;
4:24 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386, 8587, 8521, 8938, 8948, 10529; 8 F.R. 1895, 2756, 4179.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,¹ Amendment 46]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects.

1. Section 1394.7551 (a) (52) is added to read as follows:

(52) "District Director" means the person holding the office of State Director in a district or State office or the office of the District Manager in a district office.

2. Section 1394.7551 (a) (53) is added to read as follows:

(53) "District Manager" means the person holding the office of District Manager or District Director in a district office.

3. Section 1394.8101 (b) is amended to read as follows:

(b) Except as otherwise provided under § 1394.8103 (c) the person to whom a ration has been issued shall, within five days after the expiration thereof, surrender to the issuing Board all unused coupons representing such ration.

4. In § 1394.8102 (a) the second sentence is amended to read as follows:

Except as otherwise provided in § 1394.8103 (c) all Class T or bulk coupons issued as a transport ration shall expire at midnight of the last day of the calendar quarterly period for which they are issued except that transport rations issued for use prior to January 1, 1943, shall expire at midnight, March 31, 1943.

5. In § 1394.8103 the headnote is amended by inserting after the word "revocation" the words "or modification".

6. In § 1394.8103 (c) the present text is amended by inserting the word "immediately" before the word "expire", and such text is designated subparagraph (1), and subparagraphs (2) and (3) are added to read as follows:

(2) Where the Office of Defense Transportation has modified a certificate of war necessity issued for use with a commercial vehicle or vehicles by decreasing the number of gallons of gasoline allowed under such certificate and has determined what amount, if any, of unused Class T or bulk coupons issued for use with such vehicle or vehicles provide gallonage for the remainder of the quarter for which such coupons were issued in excess of the gallonage required for such remaining period under the modified

¹ 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 665, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2099, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3201, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5496, 5564.

certificate, it shall notify the holder of such coupons of the amount of such excess coupons. Thereupon such excess coupons shall immediately expire.

(3) The holder of rations or coupons which have expired under the provisions of subparagraphs (1) and (2) of this paragraph, shall, upon demand by a person designated by the Office of Defense Transportation for that purpose, surrender such expired rations or coupons to such person immediately. The Office of Defense Transportation shall give the ration holder a receipt for all coupons surrendered under this subparagraph and shall destroy such surrendered coupons.

7. Section 1394.8104 (e) is added to read as follows:

(e) Upon certification by the Office of Defense Transportation that a certificate of war necessity has been revoked or has been modified by decreasing the number of gallons of gasoline allowed, and that the holder of such certificate has a specified number of unused Class T or bulk coupons issued for use with a motor vehicle or vehicles under such certificate in excess of the amount necessary to provide the gallonage required under the modified certificate for the remainder of the quarter for which such coupons were issued, the Office of Price Administration acting through a Board, or through a District Director or through such officers or employees as the District Director may designate for such purpose, shall, by summary order, revoke such excess coupons, or any part thereof in accordance with such certification. Such order shall also require the holder of such revoked coupons to surrender them to a specified Board or officer.

This amendment shall become effective 12:01 a. m., May 2, 1943.

NOTE: All reporting or record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6878; Filed, May 1, 1943;
4:22 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,¹ Amendment 14]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respect:

¹ 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3949, 4716, 5567.

1. The following sentence is added between the first and second sentence of section 2.7 (b):

However, if the shoes are transferred to a wholesale establishment they may be transferred at any time through May 5, 1943, without the surrender of ration currency in advance.

This amendment shall become effective May 1, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6879; Filed, May 1, 1943;
4:23 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,¹ Amendment 4 to Rev. Supp. 1]

PROCESSED FOODS

Revised Supplement No. 1 to Ration Order 13 is amended in the following respects:

1. Section 1407.1102 (a) is amended to read as follows:

(a) Processed foods shall have the point values set forth in the Official Table of Point Values (No. 3) which is made a part hereof:²

2. Section 1407.1102 (c) is amended to read as follows:

(c) The wholesale factor which is referred to in section 4.6 (b) of Ration Order 13 is as follows:

- (1) For the month of April 1943—6.
- (2) For the month of May 1943—3.

This amendment shall become effective at 8:00 a. m. on May 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6880; Filed, May 1, 1943;
4:22 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,¹ Amendment 23]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and

¹ 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4784, 4892, 4921, 5318, 5341, 5342, 5480, 5568.

² Filed with the Division of the Federal Register as part of the original document. Copies may be obtained from the Office of Price Administration.

has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. Section 4.4 (a) is amended by changing the final period to a comma and adding the following clause:

(a) * * * except that the report for April 1943 shall include the first day of May.

2. Section 4.5 (b) is amended by changing the final period to a comma and adding the following clause:

(b) * * * except that the report for April 1943 shall include the first day of May.

This amendment shall become effective May 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251.)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6881; Filed, May 1, 1943;
4:24 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,¹ Amendment 24]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. Section 1.1 (a) is amended to read as follows:

(a) The foods which are covered by this order are called "processed foods" and are listed in section 21.1 (a) (10).

2. Section 21.1 (a) (10) is amended to read as follows:

(10) "Processed foods" means:

(i) The following fruits, fruit juices, vegetables, vegetable juices, soups, and baby foods packed in hermetically sealed containers of any type and sterilized by the use of heat:

FRUITS

Apples (including crabapples)
Applesauce
Apricots
Berries
Cherries
Cranberries or Sauce (whole, strained, or jellied)
Figs
Fruit cocktail, fruits for salad, or mixed fruits
Grapefruit
Peaches
Pears

*Copies may be obtained from the Office of Price Administration.

Pineapple
Plums or prunes

FRUIT JUICES

Citrus juices
Fruit nectars
Grape juice
Pineapple juice
Prune juice

VEGETABLES

Asparagus
Beans, fresh shelled (including limas, black-eye peas, etc.)
Beans, green or wax
Beans, all canned or bottled dry varieties (including baked beans, soaked dry beans, pork and beans, kidney beans, lentils, etc.)
Beets (including pickled)
Carrots
Corn
Greens, leafy
Mixed vegetables (all combinations containing one or more of the vegetables listed)
Mushrooms
Peas
Pumpkin or squash
Sauerkraut
Spinach
Tomatoes
Tomato catsup or chili sauce
Tomato paste
Tomato pulp or puree
Tomato sauces

VEGETABLE JUICES

Tomato juice
Vegetable juice combinations containing 70% or more of tomato juice

SOUPS

Tomato soup, concentrated
All other concentrated canned or bottled soups
All ready-to-serve (not concentrated) canned or bottled soups

BABY FOODS

All canned or bottled types and varieties (including custards)

(ii) The following frozen fruits, berries, juices, and vegetables:

FRUITS, BERRIES, AND JUICES

Apples
Apricots
Blackberries
Boysenberries
Cherries
Currants
Dewberries
Gooseberries
Grapes
Loganberries
Olympicberries
Plums
Prunes
Strawberries
Youngberries
All other fruits and berries which are not specifically listed
All fruit juices and combinations of fruit juices

VEGETABLES

Beans, baked
Beans, green (all styles)
Beans, lima (all varieties)
Corn, cut
Corn on the cob
Peas
Spinach
All other vegetables and vegetable combinations

(iii) Dry beans, peas, and lentils.

NOTE: Foods in the above group which are not covered by this order are listed in Ap-

pendix A. The foods listed in Appendix A are not "processed foods" as that term is used.

3. The following items are added to the list in Appendix A:

Clam broth
Clam juice
Clam juice cocktail
Corn-on-the-cob (hermetically packed)
Frozen kale
Green turtle soup
Onion soup (hermetically packed)
Oyster soup
Papaya nectar
Terrapin soup
Tomato sauce when packed in combination dinners (such as spaghetti or macaroni dinners)

This amendment shall become effective at 8 a. m. on May 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 1st day of May 1943

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6882; Filed, May 1, 1943; 4:22 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,¹ Amendment 25]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. The last sentence of section 4.6 (e) is amended to read as follows:

(e) However, until he has given up points equal to his excess inventory, he may not acquire during any one calendar month processed foods having a point value of more than 10 percent of the number of points he received for his sales or transfers of processed foods during April 1943.

2. The last sentence of section 4.7 (a) is amended to read as follows:

(a) Furthermore, regardless of his actual inventory, he may, during a calendar month, acquire processed foods for the purpose of keeping his stocks balanced, in an amount not more than 10 percent of the number of points he received for his sales or transfers of processed foods during April 1943.

This amendment shall become effective at 8 a. m. on May 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R.

562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6883; Filed, May 1, 1943; 4:25 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,¹ Amendment 3 to Supp. 1]

MEATS, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by this order shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 2)² (OPA Forms R-1313, 1611 and 1612) which are made a part hereof.

This amendment shall become effective at 12:01 a. m. May 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6892; Filed, May 1, 1943; 4:22 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,¹ Amendment 4 to Supp. 1]

MEAT

The point values of foods covered by this order set forth in the Official Tables of Consumer and Trade Point Values (No. 2) (OPA Forms R-1313, 1611 and 1612), referred to in paragraph (a) of § 1407.3027, and filed with the Division of the Federal Register,* are amended:

1. The Official Table of Consumer Point Values for Kosher Meats (No. 2) (OPA Form R-1611) is amended in the following respects:

a. In the classification "beef," subclassification "variety meats," the point value of "brains" is changed from 3 points per pound to 2 points per pound; the point value of "melts" is changed from 2 points per pound to 1 point per pound; the point value of "oxtails" is changed from 3 points per pound to 2 points per pound; the point value of "sweetbreads" is changed from 4 points

per pound to 3 points per pound; the point value of "tongues" is changed from 6 points per pound to 5 points per pound; and the point value of "tripe" is changed from 3 points per pound to 2 points per pound.

b. In the classification "veal," subclassification "variety meats," the point value of "brains" is changed from 4 points per pound to 3 points per pound; the point value of "melts" is changed from 2 points per pound to 1 point per pound; and the point value of "tongues" is changed from 6 points per pound to 5 points per pound.

c. In the classification "lamb-mutton," subclassification "variety meats," the point value of "brains" is changed from 3 points per pound to 2 points per pound; the point value of "livers" is changed from 6 points per pound to 5 points per pound; the point value of "tongues" is changed from 6 points per pound to 5 points per pound; and the point value of "plucks" is changed from 4 points per pound to 3 points per pound.

2. The Official Table of Trade Point Values (No. 2) (OPA Form R-1612) is amended in the following respects:

a. Under the classification "beef (including Kosher)," subclassification "miscellaneous beef products," there is added "beefhead—tongue out" at a point value of 1.5 points per pound.

b. In the classification "veal (including Kosher)," subclassification "variety meats," the point value of "plucks" is changed from 6.0 points per pound to 4.5 points per pound.

c. In the classification "lamb and mutton (including Kosher)," subclassification "variety meats," the point value of "plucks" is changed from 4.0 points per pound to 3.0 points per pound.

d. In the classification "lamb and mutton (including Kosher)," subclassification "miscellaneous lamb and mutton products," the point value of "melts" is changed from 2.0 points per pound to 1.0 point per pound.

e. Under the classification "lamb and mutton (including Kosher)," subclassification "miscellaneous lamb and mutton products," there is added "edible bones" at a point value of 1.0 point per pound.

f. In the classification "meats, in tin or glass containers," subclassification "miscellaneous meats" under "canned meats for military and lend-lease purchases," the point value of "Vienna sausage" is changed from 7.0 points per pound to 6.0 points per pound.

3. Section 1407.3027 (e) is amended to read as follows:

(e) Every retailer, wholesaler or primary distributor must make the changes and additions provided by amendment 4 in the Official Tables of Consumer and Trade Point Values (No. 2) (OPA Forms R-1313, 1611 and 1612) which this order requires him to post or keep available.

This amendment shall become effective at 12:01 a. m., May 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562,

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 1840, 2288, 2677, 2681, 2684, 2043, 8179, 3949, 4342, 4525, 4784, 4892, 4921, 5318, 5341, 5342, 5480, 5568.

² 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567.

³ Filed with the Division of the Federal Register as part of the original document. Copies may be obtained from the Office of Price Administration.

and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6893; Filed, May 1, 1943;
4:23 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 426 Under § 1499.3 (b) of GMPR]

ANACONDA SALES COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1664 *Authorization of maximum prices for sales of fume phosphate produced by Anaconda Sales Company.*

(a) On and after May 2, 1943, the maximum prices for the sale of fume phosphate, a finely divided treble superphosphate containing not less than 43 percent available phosphoric acid, and so prepared that 85 percent of the product will pass through a 300-mesh screen and 95 percent of the product will pass through a 200-mesh screen, produced by Anaconda Sales Company of Chicago, Illinois, shall be the prices, f. o. b. Anaconda, Montana, set forth below:

Product	Size of unit	Maximum prices for sales to fertilizer manufacturers and mixers	Maximum prices for sales to distributors	Maximum prices for sales to dealers	Maximum prices for sales to consumers
Fume phosphate.	100 lbs. in bags.	\$2.00	\$2.03	\$2.09	\$2.41

(b) The prices set forth in the preceding paragraph shall be subject to terms by the seller, with respect to discounts and other terms of sale no less favorable to the purchaser than those which are in effect for sales of treble superphosphate.

(c) Each seller of fume phosphate, except on sales to consumers, shall, at or before the time of his first delivery to his buyer, furnish to his buyer, a written notification, reading as follows:

OPA has authorized the following prices for sales of fume phosphate, subject to all customary discounts; f. o. b. Anaconda, Montana:

Product	Size of unit	Maximum prices for sales to fertilizer manufacturers and mixers	Maximum prices for sales to distributors	Maximum prices for sales to dealers	Maximum prices for sales to consumers
Fume phosphate	100 lbs. in bags.	\$2.00	\$2.03	\$2.09	\$2.41

OPA requires each seller, except on sales to consumers, to furnish, at or before the time of first delivery, a copy of this notice to each buyer.

OPA requires that you keep a copy of this notice for examination.

(d) This Order No. 426 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6890; Filed, May 1, 1943;
4:25 p. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 188, Amendment 12]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 188 is amended in the following respects:

1. Section 1499.166 (b) (10) (i) is amended by deleting the following words:

Artificial and preserved flowers, foliage, fruits, etc.
Bookends, wood and metal.
Music boxes.
Ornamental statuary.
Plaques.
Wood carvings.

2. Section 1499.166 (b) (10) (ii) is amended by deleting the following words:

Pin cushions.
Shoe trees.
Tie racks.

3. Section 1499.166 (b) (10) (XX) is amended by deleting the following words:

Wigs.
Toupees.

4. Section 1499.166 (b) (21) is amended by inserting after the words "Bells, hand," the words "(except dinner bells)."

This amendment shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6891; Filed, May 1, 1943;
4:25 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931.

PART 1499—COMMODITIES AND SERVICES
[Order 427 Under § 1499.3 of GMPR]

THE SWEETS COMPANY OF AMERICA, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1665 *Authorization of maximum prices for sales of "2¢ Tootsie Fudge", confectionery items manufactured by the Sweets Company of America, Inc., of Hoboken, New Jersey.*

(a) On and after the 4th day of May, 1943, the Sweets Company of America, Inc. of Hoboken, New Jersey, may sell and deliver its chocolate flavored and vanilla flavored fudge items known as "2¢ Tootsie Fudge" having a minimum net weight of $\frac{1}{8}$ ounce each at the maximum delivered price of 98 cents per 80 count box. Each piece shall be individually wrapped in cellophane; the weight phrase on the wrapper shall state "net weight $\frac{1}{8}$ ounce or over."; and the price shall be indicated as 2¢.

(b) Wholesalers of "2¢ Tootsie Fudge" items shall establish a maximum selling price not in excess of \$1.20 per box of 80 count delivered.

(c) Retailers of "2¢ Tootsie Fudge" items shall establish a maximum selling price not in excess of 2 cents per item.

(d) The prices established in this order are the highest prices for which "2¢ Tootsie Fudge" items may be sold by the respective sellers and all sellers of these items shall maintain their customary discounts, allowances and price differentials applying to sales of comparable candy items. In the application of any existing differentials, the maximum prices established by this order shall not be exceeded.

(e) The Sweets Company of America, Inc., shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchasers, a written notice as follows:

The Office of Price Administration has authorized The Sweets Company of America, Inc., to manufacture and sell two new items, chocolate flavored and vanilla flavored "2¢ Tootsie Fudge" having a minimum net weight of $\frac{1}{8}$ ounces per item, at a maximum delivered price of 98 cents per 80 count box. You are authorized to establish a delivered selling price not in excess of \$1.20 per 80 count box. All sellers are required to maintain their customary discounts, allowances and price differentials, applying to like sales of comparable candy items. In the application of any existing differentials, the maximum prices established by this order shall not be exceeded.

(f) The Sweets Company of America, Inc., for a period of at least ninety days, shall place in or on each 80 count box a notice to retailers as follows:

The Office of Price Administration has established maximum prices for sales of "2¢ Tootsie Fudge." Your jobber is authorized to charge a price not in excess of \$1.20 per 80 count box delivered. You are authorized to sell "2¢ Tootsie Fudge" at a price not in excess of 2 cents per item. All sellers are required to maintain their customary discounts, allowances and price differentials applying to like

sales of comparable candy items. In the application of any existing differentials, the maximum prices established by this order shall not be exceeded.

(g) This order may be revoked or amended at any time by the Office of Price Administration.

(h) This Order No. 427 shall become effective May 4, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 3d day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6931; Filed, May 3, 1943;
11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 428 Under § 1499.3 (b) of GMPR]

CENTRAL LACE WORKS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1666 *Maximum prices for the sale of laces manufactured by Central Lace Works, Inc.* (a) Central Lace Works, Inc., Central Falls, Rhode Island, herein called the applicant, may sell and deliver and any person may buy and receive from it the following patterns of laces at prices not in excess of those set forth below:

Pattern No.	Width	Maximum prices per gross yards
	Inches	
765.....	2½	\$7.40
744.....	4½	14.25

(b) For widths in each pattern varying from the above listed widths, the maximum price shall be increased or decreased in direct proportion to the ratio between the new width for a pattern and the width listed above.

(c) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March 1942.

(d) All requests of the applicant not granted herein are denied.

(e) This Order No. 428 may be revoked or amended at any time by the Office of Price Administration.

(f) This Order No. 428 shall become effective May 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 3d day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6932; Filed, May 3, 1943;
11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 431 Under § 1499.3 (b)]

RONNIE LACE WORKS

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1669 *Maximum prices for the sale of a lace manufactured by Ronnie Lace Works.* (a) Ronnie Lace Works, Washington, Rhode Island, herein called the applicant, may sell and deliver and any person may buy and receive from it the following pattern of lace at a price not in excess of that set forth below:

Pattern No.	Width	Maximum prices per gross yards
	Inches	
2903.....	3	\$9.60

(b) For widths varying from the above listed width, the maximum price shall be increased or decreased in direct proportion to the ratio between the new width and the width listed above.

(c) The price set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March 1942.

(d) All requests of the applicant not granted herein are denied.

(e) This Order No. 431 may be revoked or amended at any time by the Office of Price Administration.

(f) This Order No. 431 shall become effective May 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6933; Filed, May 3, 1943;
11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 432 Under § 1499.3 (b) of GMPR]

COUSINS LACES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1670 *Maximum prices for the sale of lace manufactured by Cousins Laces.* (a) Cousins Laces, Washington, Rhode Island, herein called the Applicant, may sell and deliver and any person may buy and receive from it the following pattern of lace at a price not in excess of that set forth below:

Pattern No.	Width	Maximum price per square yard
	Inches	Cents
1509.....	36	47¼

(b) The price set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as

were granted to purchasers during March 1942.

(c) All requests of the Applicant not granted herein are denied.

(d) This Order No. 432 may be revoked or amended at any time by the Office of Price Administration.

(e) This Order No. 432 shall become effective May 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6934; Filed, May 3, 1943;
11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 433 Under § 1499.3 (b) of GMPR]

BODELL LACE COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1671 *Maximum prices for the sale of laces manufactured by Bodell Lace Company, Inc.* (a) Bodell Lace Company, Inc., 36 Lee Street, Pawtucket, Rhode Island, herein called the applicant, may sell and deliver and any person may buy and receive from it the following patterns of laces at prices not in excess of those set forth below:

Pattern No.	Width	Maximum prices per gross yards
	Inches	
2307.....	2¾	\$11.52
2282.....	3	7.92
2304.....	5¼	19.80

(b) For widths in each pattern varying from the above listed widths, the maximum price shall be increased or decreased in direct proportion to the ratio between the new width for a pattern and the width listed above.

(c) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March 1942.

(d) All requests of the applicant not granted herein are denied.

(e) This Order No. 433 may be revoked or amended at any time by the Office of Price Administration.

(f) This Order No. 433 shall become effective May 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6935; Filed, May 3, 1943;
11:58 a. m.]

TITLE 49—TRANSPORTATION AND
RAILROADSChapter I—Interstate Commerce
Commission

[Service Order 120]

PART 95—CAR SERVICE

BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of April, A. D. 1943.

It appearing, That, due to stoppage in the production of bituminous coal, the War Production Board has issued its Order No. M-316 (8 F.R. 5677), generally prohibiting any person from accepting delivery from a railroad of any carload of bituminous coal if such person has, or would have after accepting delivery, more than 10 days' supply on hand; that the War Production Board has certified to the Office of Defense Transportation that it is necessary in the public interest and to promote the defense of the United States that transportation and delivery of bituminous coal be regulated in such manner as to give full effect to War Production Board Order No. M-316; and the Director of the Office of Defense Transportation has similarly certified to this Commission the necessity for appropriate action to give full effect to said order; the Commission is of the opinion that an emergency exists requiring immediate action and that common carriers by railroad will be unable in this emergency to transport bituminous coal so as properly to serve the public; *It is ordered*, That:

§ 95.11 *Bituminous coal*—(a) *Restriction of delivery*. No common carriers by railroad subject to the Interstate Commerce Act shall deliver or place for unloading any carload of bituminous coal which is now in, or is hereafter placed in, a railroad car, whether such car is at the mine not billed for shipment or billed to a destination or in transit to a billed destination, or whether moving in interstate or intrastate commerce, unless and until the consignee, or person eligible to receive a carload of coal, under the terms of War Production Board Order No. M-316, shall certify to the railroad substantially in the form of appendix A to the effect that he has less than 10 days' supply of bituminous coal on hand and, if he is not the original consignee, that he will pay all obligations of the consignee to the consignor with respect to such coal. Each railroad shall deliver bituminous coal for the account of the consignor to any person having less than 10 days' supply on hand who furnishes such certificate, regardless of whether the coal is consigned to another person. As provided in War Production Board Order No. M-316, a railroad may rely upon the truth of statements contained in such certificate unless it knows them to be false.

(b) *Bituminous coal moving all-rail to Canada*. Bituminous coal moving all-rail from the origin territory specified above to points in Canada shall not be transported outside of the United States

until a certificate has been furnished to the railroad showing that the consignee has not, or will not have after receiving the carload of bituminous coal, more than 10 days' supply of bituminous coal on hand.

(c) *Exception*. The provisions of this order shall not apply to:

(1) Coal specifically consigned for export (other than all-rail shipments to Canadian destinations);

(2) Coal specifically consigned for water movement after dumping from cars, but coal which has been loaded into cars after completion of the water movement shall be subject to this order;

(3) Coal specifically consigned for use aboard any vessel;

(4) Delivery to a consignee's siding without the certificate provided for in paragraph (a), if the railroad informs the consignee that delivery is made for the railroad's convenience and that the coal is still subject to diversion or reconsignment under this order. The consignee shall not unload any such coal without giving the certificate provided for in paragraph (a);

(5) Delivery to a connecting carrier;

(6) Any transaction which may be specifically permitted by the Interstate Commerce Commission upon recommendation of the Solid Fuels Administrator.

(d) *Ten days' supply*. Ten days' supply includes all bituminous coal of any usable kind, grade or size on hand or available. Any person who has coal in transit (if not restricted by this order) or has coal located away from the place of consumption must take such coal into account in computing whether he has a ten days' supply, to the extent that such coal will be available or can practically be made available, at the place of consumption within ten days. A ten days' supply shall be deemed to include any additional amount necessary to avoid delivery of a fraction of a carload. In the case of a retail dealer, ten days' supply shall be ten times the average daily tonnage delivered by the dealer during April 1943.

(e) *Disregard of bill of lading; Diversion of shipments; Rates*. Where delivery is made to a person other than the consignee, all common carriers by railroad subject to the Interstate Commerce Act shall disregard the bills of lading covering carloads of bituminous coal to the extent that they shall deliver, without surrendering the bill of lading, such shipments of bituminous coal to persons, now on the carriers' credit lists, presenting evidence of eligibility to receive bituminous coal as provided in War Production Board Order No. M-316 and in this order. Such carriers may divert carloads of bituminous coal using the most available routes to expedite the movement and to prevent congestion; and the rates to be applied shall be the joint rates in effect from the original point of origin to final destination, and in the absence of joint rates the lowest combination will apply: *Provided*, That, upon receipt of a certificate of eligibility to receive coal and upon making delivery to an eligible

receiver other than the original consignee the railroad shall notify the consignor immediately in writing of the name and address of the person to whom and the destination to which such shipment is to be delivered.

(f) *Payment of freight charges*. The person to whom delivery of such coal is made will pay to the railroad all applicable transportation charges, demurrage charges, and other accessorial charges.

(g) *Reconsignment; Demurrage*. The operation of all reconsignment rules and demurrage rules with respect to the holding of cars at intermediate points between point of billed origin and the final destination for diversion, reconsignment, or disposition orders is hereby suspended with respect to the carload shipments of bituminous coal covered by this order.

(h) *Suspension of tariff provisions*. The operation of all tariff provisions insofar as they are inconsistent with this order is suspended for the effective period of this order.

(i) *Special and general permits*. The provisions of this order shall be subject to any special or general permit issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances, upon recommendations from the Solid Fuels Administration for War of the Department of the Interior. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17)).

It is further ordered, That this order shall become effective 6 p. m. eastern war time, April 30, 1943, and remain in force until further order of the Commission; that copies of this order and direction shall be served upon all common carriers by railroad subject to the Interstate Commerce Act upon all State commissions, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

APPENDIX A TO SERVICE ORDER 120

Undertaking to be furnished in duplicate by person receiving coal.

In order to establish the right of the undersigned to receive delivery of bituminous coal under the restrictions of War Production Board Order No. M-316, the undersigned certifies to _____ and to the _____ (name of RR)

War Production Board that the undersigned has not, and will not have after receiving the coal identified below, more than a ten day's supply thereof as defined in said Order. The undersigned (if not the original consignee of the coal) agrees, in consideration of receipt of such coal, to pay all obligations of the consignee to the consignor with respect

to such coal and to pay to said railroad all applicable transportation charges, demurrage charges and other accessorial charges.

(date)

(Name of person receiving coal)

By (signature of authorized official)

Identification of bituminous coal covered by this undertaking:

[F. R. Doc. 43-6832; Filed, May 1, 1943; 10:12 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-186]

REED COAL CO.

MEMORANDUM OPINION AND ORDER TO CEASE AND DESIST AND REVOKING CODE MEMBERSHIP

In the matter of George B. Reed and J. S. Wallace, individually and as copartners, doing business under the name and style of Reed Coal Company, code members.

On March 22, 1943, after due notice and hearing, Joseph E. Dermody, a duly designated Examiner of the Division, submitted a report in which he found that George B. Reed and J. S. Wallace, individually and as copartners, doing business under the name and style of Reed Coal Company, operating the Reed Coal Company Mine, Mine Index No. 717, in Fulton County, Illinois, in District 10, wilfully violated:

(a) Section 4 II (e) of the Bituminous Coal Act of 1937 and the corresponding section of the Bituminous Coal Code, by selling to the Toledo, Peoria and Western Railroad, through the Ed Fox Coal Company during the month of July 1941, 96.20 net tons of mine run coal produced at the aforesaid mine, at \$1.40 per net ton f. o. b. railroad cars, as 2" x 1" Nut and 2" locomotive screenings, whereas the established minimum price for such coal was \$2.00 per net ton f. o. b. railroad cars at Glasford, Illinois;

(b) Section 4 II (i) (8) of the Act and the corresponding section of the Code; Rule 8 of section XIII and Rule 13 of section II of the Marketing Rules and Regulations; by paying to Ed Fox Coal Company, Pekin, Illinois, a commission of 10 cents per net ton in connection with the sale by code member, during the months of May, June, July, August and September, 1941, through said Ed Fox Coal Company, to the Toledo, Peoria and Western Railroad, an on-line railroad, of 990.80 tons of coal produced at the aforesaid mine, whereas the maximum discount allowable to a registered distributor in connection with the sale of on-line railroad fuel was 5 cents per net ton, and the sales agency agreement between said Ed Fox and code member, pursuant to which such commissions of 10 cents per net ton were allowed and paid, was entered into subsequent to August 8, 1940, and code member had not, at the

time of such transactions, either filed with the Division an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor, or received permission to pay such commissions.

The Examiner recommended that an order be entered requiring code member to cease and desist from selling coal at prices below the effective minimum prices established by the Division, from violating the aforesaid sections of the Act, the Code and the Marketing Rules and Regulations, or from otherwise violating the Act, the Code, or rules and regulations thereunder.

Opportunity was afforded to all parties to file exceptions to the Examiner's Report. No exceptions have been filed.

I have carefully considered the proposed findings of fact and the proposed conclusions of law of the Examiner and I believe that they are adequate and accurate in the light of the record in this proceeding. Although the Examiner recommended that a cease and desist order be entered on both counts of the complaint as amended, in my opinion code members' violation of the minimum price provisions of the Act with respect to 96.20 tons of coal merits revocation of code membership. With respect to this violation, I find that the amount of the tax to be paid to the United States as a condition to restoration of code membership is \$75.04, as provided in section 5 (c) of the Act. With respect to the violation of Rule 13 of section II of the Marketing Rules and Regulations, I agree with the Examiner's recommendation that a cease and desist order is appropriate, particularly in view of the disproportionate amount of a tax in relation to the seriousness of the delinquency if code membership were revoked for this transaction as well as the former one. On the other hand, this violation should not be unredressed and code members should be restrained from repetition of such delinquencies in the future. I am, accordingly, entering a cease and desist order which will take effect if and when the code membership of either or both of the partners is restored.

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That the code membership of George B. Reed and J. S. Wallace, individually and as copartners doing business under the name and style of Reed Coal Company, operating the Reed Coal Company Mine (Mine Index No. 717), in Fulton County, Illinois, in District 10, is cancelled and revoked and that prior to the restoration of such code membership a tax in the amount of \$75.04 be paid to the United States as provided in section 5 (c) of the Act.

It is further ordered, That in the event of reinstatement in the Bituminous Coal Code of George B. Reed and J. S. Wallace or either of them, they, their agents, employees, representatives, successors or assigns, and all persons acting or claiming to act on their behalf, cease and desist from violating section 4 II (d) 8 of

the Act, Rule 8 of section XIII and Rule 13 of section II of the Marketing Rules and Regulations or from otherwise violating the provisions of the Act, the Code or orders, rules and regulations issued thereunder.

Dated: April 30, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-6910; Filed, May 3, 1943; 10:49 a. m.]

[Docket No. B-196]

B. A. HOWARD (DEER CREEK COAL COMPANY)

ORDER REVOKING CODE MEMBERSHIP

On the basis of the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that code member wilfully violated section 4 II (i) of the Act and Part II (i) of the Code, Rule 1 of section III, Rules 1 (A), 1 (I), and 1 (M) of section VII, Rules 6 and 7 of section XIII of the Marketing Rules and Regulations, and Paragraph 5 of Order No. 14, and pursuant to section 5 (b), 6 (a), and other provisions of the Bituminous Coal Act of 1937;

It is ordered, That the code membership of B. A. Howard, an individual doing business as Deer Creek Coal Company, a code member, operating the Deer Creek Mine, Mine Index No. 131, in Emery County, Utah, in Subdistrict 1 of District 20, be and it hereby is revoked and cancelled.

It is further ordered, That prior to reinstatement to membership in the code said B. A. Howard shall pay to the United States a tax in the amount of \$104.38, according to the provisions of section 5 (c) of the Act.

Dated: April 30, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-6911; Filed, May 3, 1943; 10:50 a. m.]

[Docket No. B-254]

KRISTIANSON & JOHNSON COAL CO., INC., A CORPORATION

MEMORANDUM OPINION AND ORDER REVOKING CODE MEMBERSHIP

On September 15, 1942, after notice and hearing, W. A. Cuff, a duly designated Examiner of the Division submitted a report in which he found that Kristianson & Johnson Coal Co., Inc., a corporation, operating the Kristianson No. 5 Mine (Mine Index No. 260), located in Subdistrict 8 of District 1, Clearfield County, Pennsylvania, wilfully violated:

(1) Section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Code by selling, subsequent to September 30, 1940, coal produced by said code member at its Kristianson No. 5 mine, at prices below the effective minimum established therefor in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, including certain sales to R. S. Walker, doing business under the name and style

of Bradford Coal Company, Bigler, Pennsylvania, as follows:

(a) The sale, on or about January 29, 1941, of approximately 48 tons of 2" nut and slack coal (Size Group 4) at a price of \$2.10 per net ton f. o. b. the mine, less a discount of 20 cents per net ton, whereas said coal was priced at \$2.20 per net ton f. o. b. the mine as set forth in said schedule;

(b) The sale, on March 6, 1941, of approximately 52.4 net tons of 3/4" slack coal (Size Group 5) at a price of \$1.50 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was \$2.10 per net ton as set forth in said schedule;

(2) Rule 1 of section III of the Marketing Rules and Regulations, by allowing the said R. S. Walker, doing business under the name and style of Bradford Coal Company, Bigler, Pennsylvania, on the sale referred to in subparagraph (1) (a), *supra*, a discount of 20 cents per net ton from the sales price f. o. b. the mine in addition to the reduction of 10 cents per net ton from the effective minimum f. o. b. mine price mentioned above, thereby allowing in effect a discount of 30 cents per net ton from the effective minimum f. o. b. mine price of said coal, although said purchaser was not a registered distributor.

The Examiner recommended that an order be entered providing that the code membership of Kristianson & Johnson Coal Co., Inc., a corporation, be revoked and cancelled, and that, prior to any restoration of such membership, such corporation shall pay to the United States, as provided in section 5 (c) of the Act, a tax in the amount of \$84.10.

Opportunity was afforded to all parties to file exceptions to the Examiner's report. No exceptions have been filed.

I have considered the report of the Examiner, and while I agree with the findings of fact and with the conclusions reached by him, nevertheless attention should be called to the discount of 20 cents per ton allowed on the invoice of January 29, 1941 of New York Central car 823933 as a "sales agency commission." This was in addition to the reduction of 10 cents per ton made from the effective minimum price and the two constituted in effect a discount of 30 cents per ton from the effective minimum price whereas no evidence was presented at the hearing that Walker was either a sales agent or a distributor. Plainly there was, therefore, a violation of the minimum price provisions of the Act. I find that otherwise the Examiner's Report adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, as modified, proposed conclusions of law, and recommendation set forth in the report and upon the entire record in this proceeding.

It is hereby ordered, That with the modifications noted, the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That the code membership of Kristianson & Johnson Coal Co., Inc., a corporation, operating

the Kristianson No. 5 Mine, Mine Index No. 260, located in Subdistrict 8 of District 1, Clearfield County, Pennsylvania, be and the same hereby is, revoked and cancelled.

It is further ordered, That prior to reinstatement of code membership, the said Kristianson & Johnson Coal Co., Inc., a corporation, shall pay to the United States a tax, as provided in section 5 (c) of the Act, in the amount of \$84.10.

Dated: April 30, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-6912; Filed, May 3, 1943;
10:50 a. m.]

[Docket No. A-1737]

DISTRICT BOARDS NOS. 7 AND 8

ORDER POSTPONING HEARING

In the matter of the petition of District Boards Nos. 7 and 8 for an increase in minimum prices, pursuant to section 4 II (a) and (b) of the Bituminous Coal Act of 1937.

Bituminous Coal Producers Board for District No. 3, an interested party in the above-entitled matter having moved that the hearing therein heretofore scheduled to be held on May 5, 1943 be postponed until May 27, 1943, in order that any changes in costs resulting from current wage negotiations may be included in the evidence to be offered at the hearing and because of the possibility of the enactment of amendments to the Bituminous Coal Act of 1937 which may affect the hearing in this matter; and

It appearing that good cause has been shown why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from May 5, 1943 to May 27, 1943 at the time and place heretofore designated.

Dated: May 1, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-6913; Filed, May 3, 1943;
10:51 a. m.]

[Docket No. A-1849]

DISTRICT BOARD NO. 8

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices, and for changes in shipping points and freight origin group numbers for the coals of certain mines in District No. 8.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on May 19, 1943 at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous

Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the application of petitioner to modify in the following manner the Director's order of February 13, 1943, in Docket No. A-1849, granting temporary relief and conditionally providing for permanent relief insofar as it pertains to the relief granted in that Order to L. A. Wilson (Wilson Coal Company):

That the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be supplemented by including therein a provision in substance as follows:

Size Group 16 coals produced by L. A. Wilson (Wilson Coal Company) from Shrewsbury Mine, Mine Index No. 575, may be sold to Cedar Grove Collieries, Inc., for loading into barges or other floating equipment (either as Size Group 16 coals or as screened into other sizes) at the tipple of Cedar Grove Collieries, Inc., located at Cedar Grove, West Virginia, in mixture with coals produced by Cedar Grove Collieries, Inc., from Cedar Grove Mine, Mine Index No. 96, at not less than the minimum price applicable to the sale of Size Group 16 coals produced by Cedar Grove Collieries, Inc., from said Cedar Grove Mine for free alongside deliveries; and Cedar Grove

Collieries, Inc., may resell such coals purchased from L. A. Wilson (Wilson Coal Company) and loaded into barges or other floating equipment (either as Size Group 16 coals or as screened into other sizes) at the said tipples at not less than the minimum prices applicable to the same shipment of coals of the same size produced by it from Cedar Grove Mine, Mine Index No. 96, to the same effect in all respects as if such coals purchased from L. A. Wilson (Wilson Coal Company) were produced from Cedar Grove Mine.

Dated: April 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-6914; Filed, May 3, 1943;
10:51 a. m.]

[Docket Nos. A-289, A-337]

CITY OF CINCINNATI, ET AL.

ORDER DENYING PETITIONS

In the matter of the petitions of the City of Cincinnati and the Board of Education of the City School District of the City of Cincinnati for an order establishing free alongside prices. In the matter of the petition of the County of Hamilton, Ohio, for the establishment of free alongside prices.

Upon the basis of findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, and pursuant to the provisions of the Bituminous Coal Act of 1937;

It is ordered, That the petitions of the City of Cincinnati and the Board of Education of the City of Cincinnati, Ohio, and the County of Hamilton, Ohio, for modification of a portion of the findings of the Director in his memorandum order and opinion of September 20, 1941, be and the same are hereby denied.

Dated: April 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-6915; Filed, May 3, 1943;
10:51 a. m.]

[Docket No. B-368]

SOUTHWEST COAL SALES

NOTICE OF FILING OF APPLICATION

In the matter of Thos. S. Laser, an individual, operating as Southwest Coal Sales, registered distributor, Registration No. 5414.

Notice of filing application for disposition of compliance proceeding without formal hearing pursuant to § 301.132 of the rules of practice and procedure before the division.

Notice is hereby given that Thos. S. Laser, an individual, operating as Southwest Coal Sales, Registered Distributor, Registration No. 5414 (the "Distributor") on April 9, 1943, filed an application for disposition of the above compliance proceeding without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, and on April 19, 1943 filed a supplemental statement thereto.

A Notice of and Order for Hearing was issued herein on March 3, 1943 directing a public hearing in this proceeding for the purpose of determining whether the Distributor had violated any provisions of section 4 II (i) of the Act, the Marketing Rules and Regulations, pertinent orders of the Division, and the Distributor's Agreement (the "Agreement") dated August 4, 1939 filed by said Thos. S. Laser in connection with his application for registration, and more particularly whether said Distributor:

1. Accepted and retained commissions, while acting as sub-sales agent for the Rainbow Coal Company, a Code Member, located in District No. 14, on approximately 5,076.65 net tons of various sizes of coal produced at said Code Member's Rainbow Mine (Mine Index No. 184) and sold to various purchasers during the period October 18, 1940 to October 29, 1941, inclusive, in excess of the commissions provided in the sub-agency contract between the Distributor and said Code Member, no modification of said sub-agency contract having been reduced to writing and filed with the Statistical Bureau as required by Rule 4 of section II of the Marketing Rules and Regulations, resulting in violations of paragraph (e) of the Agreement.

2. Accepted and retained commissions, while acting as sub-sales agent for the Harding Coal Company, a Code Member, located in District No. 14, on approximately 5,611.90 net tons of various sizes of coal produced at said Code Member's Harding Mine (Mine Index No. 47) and sold to various purchasers during the period November 20, 1940 to November 14, 1941, inclusive, in excess of the commissions provided in the sub-agency contract between the Distributor and said Code Member, no modification of said sub-agency contract having been reduced to writing and filed with the Statistical Bureau, as required by Rule 4 of section II of the Marketing Rules and Regulations, resulting in violations of paragraph (e) of the Agreement.

3. Purchased for resale and resold, during the period November 19, 1940 to January 7, 1942, inclusive, to various purchasers in St. Paul and Minneapolis, Minnesota, and Huron, South Dakota, approximately 782.35 net tons of various sizes of coal produced at their respective mines by Watson Coal Company, Mine Index No. 117, Crescent Coal Company, Mine Index No. 131, J. M. Bates Coal Company, Mine Index No. 103 and Smokeless Coal Company, Mine Index No. 90, and accepted and retained discounts thereon in excess of the maximum distributors' discounts prescribed by Order of the Division issued in General Docket No. 12 on June 19, 1940 Prescribing Due and Reasonable Maximum Discounts, resulting in violations of paragraph (a) of the Agreement.

4. Granted 2 percent discounts from effective minimum prices to the purchasers of approximately 436.25 net tons of coal produced at their respective mines by Crescent Coal Company, Mine Index No. 131, Carbon Coal Company, Mine Index No. 16, Smokeless Coal Company, Mine Index No. 90, New Union Coal Company, Mine Index No. 77 and Rainbow

Coal Company, Mine Index No. 184, purchased for resale from said producers and resold to S. Brand Coal Co. and A. A. Carlstrom & Son, both of St. Paul, Minnesota, during the period October 21, 1940 to July 7, 1941 which discounts were prohibited by section 4 II (i) 4 of the Act and Rule 4 of section XIII of the Marketing Rules and Regulations, resulting in violations of paragraphs (b), (c) and (e) of the Agreement.

5. Granted adjustments for alleged substandard quality or preparation to various purchasers during the period November 14, 1940 to July 21, 1941, inclusive, which adjustments had the effect of reducing the sales prices below the effective minimum, on approximately 481.50 net tons of various sizes of coal produced at their respective mines by said Carbon Coal Company, Crescent Coal Company, New Union Coal Company, Rainbow Coal Company and by Paris Purity Coal Company, Mine Index No. 43, without reporting such adjustments to the Statistical Bureau as required by section X of the Marketing Rules and Regulations, resulting in violations of paragraphs (b) and (e) of the Agreement.

6. Granted discounts from the effective minimum prices during the period October 8 to November 7, 1940, inclusive, to the Pittsburgh Coal Company of Wisconsin (a non-registered distributor at that time) on approximately 297.15 net tons of coal produced at their respective mines by said Rainbow Coal Company, New Union Coal Company, Carbon Coal Company and by Boyd Excelsior Coal Company, Mine Index No. 13, which had the effect of reducing the sales prices on said coal below the effective minimum, resulting in violations of paragraph (b) of the Agreement.

7. Prepaid freight charges, during the period August 27 to October 15, 1941, inclusive, on approximately 155.90 net tons of coal produced by the said Harding Coal Company, and by Boyd-Sicard Coal Company, Mine Index No. 14, and sold to Allen Edwards Fuel Company, Minneapolis, Minnesota, which prepayment of freight was prohibited by Rule 1 (J), section VII of the Marketing Rules and Regulations, resulting in violations of paragraph (e) of the Agreement.

8. During the period October 1, 1940 to December 27, 1941, while acting as sub-sales agent of the said Harding Coal Company (a Code Member) sold to various purchasers approximately 8080.45 net tons of various sizes of coal produced by said Code Member and failed to file copies of the invoices, spot orders, commitments, and contracts relating to said coal as required by Rule 3 of section V and Rule 7 of section VI of the Marketing Rules and Regulations, resulting in violations of paragraph (e) of the Agreement.

9. During the period October 7, 1940 to December 31, 1941, while acting as sub-sales agent for the said Rainbow Coal Company (a Code Member) sold to various purchasers approximately 11,866.15 net tons of various sizes of coal produced by said Code Member and failed to file copies of the invoices, spot orders, commitments, and contracts re-

lating to said coal as required by Rule 3 of section V and Rule 7 of section VI of the Marketing Rules and Regulations, resulting in violations of paragraph (e) of the Agreement. In said Application the Distributor:

1. Admits his identity as set forth in the Notice of and Order for Hearing.

2. Admits that he wilfully violated the Code, Regulations thereunder and the Agreement as recited in paragraphs numbered 1 to 9, both inclusive, of the Notice of and Order for Hearing.

3. Represents that he has not, to the best of his knowledge and belief, committed any other violations of the Act, the Code or regulations thereunder.

4. Consents, upon the basis of the foregoing admitted violations, to an order (a) directing him, his successors, assigns and other persons in privity with him to cease and desist from further violations; (b) suspending his registration as a Registered Distributor for a period of 60 days beginning with the effective date of such order; and (c) directing him to return to the Code Members named in paragraph 3 of the Notice of and Order for Hearing excess commissions or discounts totalling \$89.90 as follows:

Watson Coal Company.....	\$4.03
Crescent Coal Company.....	69.16
J. M. Bates Coal Company.....	4.53
Smokeless Coal Company.....	12.18

5. Agrees to restore to the Code Members listed in the next preceding paragraph the amounts set opposite their respective names.

6. Agrees to execute any and all papers and instruments necessary to dispose of this proceeding in accordance with the Application if the same be granted.

7. Sets forth in detail the facts and circumstances surrounding the various transactions referred to in the Notice of and Order for Hearing.

The Applicant, as aforesaid, admits the violations described in paragraphs 1 to 9, inclusive, of the Notice of and Order for Hearing and with respect to each paragraph thereof the Application states extenuating circumstances as follows:

1. Applicant was ignorant of the rules, regulations and orders of the Bituminous Coal Division and did not understand and appreciate the technical difference between a registered distributor and a sales agent, as those terms are used in the rules and regulations of the Division and it was his understanding that compliance with the Act mainly required him not to sell coal below the established minimum price;

2. With respect to the violations described in paragraphs 1 and 2 of the Notice of and Order for Hearing, Applicant considered that he was buying and selling the coal involved as a registered distributor and not as a sales agent;

3. With respect to the violations described in paragraph 3 of the Notice of and Order for Hearing, Applicant merely continued to follow a long established business practice of deducting 9 per cent for buying and reselling coal with the exception of the coal purchased from the Crescent Coal Company. That coal was ordered from the Carbon Coal Company, with whom he had a subsales agency

agreement, but shipments on such orders were made from the Crescent Coal Company's mines, and since Crescent Coal Company had the same president as Carbon Coal Company, Applicant considered that the sales came under his sub-agency contract with the Carbon Coal Company and accepted the commissions on that basis;

4. With respect to the violations described in paragraph 4 of the Notice of and Order for Hearing, Applicant did not authorize the purchasers to take any discounts for prompt cash payment and has, since the investigation of this matter, received from the purchasers payment of the discounts so taken;

5. With respect to the violations described in paragraph 6 of the Notice of and Order for Hearing, Applicant had a sales agency contract with the Pittsburg Coal Company of Wisconsin which he erroneously believed authorized him to pay that company 25 cents per ton for selling coal purchased by him;

6. With respect to the violations described in paragraph 7 of the Notice of and Order for Hearing, Applicant believed that he was handling the coal involved in a manner authorized by the regulations of the Division; and

7. With respect to the violations described in paragraphs 5, 8 and 9 of the Notice of and Order for Hearing, Applicant states that he lacked knowledge of the requirements of the rules and regulations of the Division.

Interested parties desiring to do so may, within fifteen (15) days from the date of this Notice, file recommendations

or requests for informal conferences with respect to the above-described Application.

Dated: April 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-6917; Filed, May 3, 1943; 10:51 a. m.]

J. B. DRIVES FUEL CO., ET AL.

ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of J. B. Drives Fuel Co., Ole Evenson, B. V. Hueber, A. E. Skinner & Son, E. J. Wallace Coal Co., Inc., Werry Coal Company (a partnership comprising Arthur J. Werry and J. Robert Werry), and Whitebreast Coal Company.

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the list of registered distributors.

Accordingly, *It is so ordered.*

Dated: April 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

EXHIBIT A

Registration Number and Name:	Address
2515 J. B. Drives Fuel Co.....	940 Williamson St., Madison, Wisconsin
2831 Ole Evenson.....	Box 217, Westby, Wisconsin
4583 B. V. Hueber.....	513 E. Raynor Ave., Syracuse, N. Y.
8454 A. E. Skinner & Son.....	515 E. Main St., Stoughton, Wisconsin
9382 E. J. Wallace Coal Co., Inc.....	1205 Olive St., St. Louis, Missouri
9586 Werry Coal Company (a partnership comprising Arthur J. Werry and J. Robert Werry).....	Vineland, N. J.
9671 Whitebreast Coal Company.....	216 King Street, La Crosse, Wisconsin

[F. R. Doc. 43-6918; Filed, May 3, 1943; 10:51 a. m.]

[Docket No. 1750-FD]

HARVEY W. WRALEY

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

On the basis of findings of fact and conclusions of law set forth in the Opinion of the Director, filed simultaneously herewith, wherein it was found that code member wilfully violated section 4 II (e) of the Bituminous Coal Act of 1937 and the corresponding section of the Bituminous Coal Code, and pursuant to sections 4 II (j) and 5 (b) of the Act,

It is ordered, That code membership of Harvey W. Wraley, operating a mine (Mine Index No. 435) located in Halbert Township, Martin County, Indiana, in District 11, is cancelled and revoked; and

It is further ordered, That prior to reinstatement of Harvey W. Wraley to membership in the Code, he shall pay to the United States a tax in the sum of

\$231.13, as provided in section 5 (c) of the Act.

Dated: May 1, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-6919; Filed, May 3, 1943; 10:52 a. m.]

[Docket No. A-1959]

DISTRICT BOARD 22

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 22 for the establishment of additional price classification and minimum prices for certain coals produced in Subdistricts 1 and 2 in District No. 22.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, request-

ing the establishment, both temporary and permanent, of a price classification and minimum prices for 3' x 1 1/8" nut coal, to be designated as Size Group 6-A, produced by code members in Subdistricts 1 and 2 in District No. 22, for shipment by rail to destinations in specified market areas.

No petitions of intervention have been filed with the Division in the above-entitled matter.

It appears that the original petition herein does not contain facts sufficient to warrant the temporary or permanent establishment of a new size group to be designated as Size Group 6-A, as requested by petitioner, without a hearing. Further, the minimum prices proposed by petitioner for the 3' x 1 1/8" nut coal for shipment by rail do not appear to maintain a proper differential with respect to the minimum prices heretofore established for coals in Size Group 7 for rail shipments. Accordingly, it is deemed advisable, pending a hearing and the final disposition of the original petition in this matter, to establish temporarily the price classification and minimum prices set forth in the attached schedule marked Supplement R for the coals in Size Group 6, produced in Subdistricts 1 and 2 in District No. 22, for shipment by rail to the market areas designated in that schedule.

Now, therefore, it is ordered, That, pending final disposition of the original petition in this matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 22 For All Shipments is supplemented to include the price classification and minimum prices set forth in the schedule marked Supplement R annexed hereto and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

An order scheduling a hearing to adduce facts upon which final relief may be based in this matter will be issued in due course.

Dated: April 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-6916; Filed, May 3, 1943;
10:51 a. m.]

Bureau of Reclamation.

SNOWFLAKE PROJECT, ARIZ.

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 30, 1943.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936

(49 Stat. 1976) it is recommended that the following described lands be withdrawn from public entry under the first form as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

SNOWFLAKE PROJECT

GILA AND SALT RIVER MERIDIAN, ARIZONA

SHUMWAY RESERVOIR SITE

T. 11 N., R. 22 E.,
sec. 6, lot 7.

JOHN C. PAGE,
Commissioner.

I concur: April 17, 1943.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

APRIL 23, 1943.

[F. R. Doc. 43-6901; Filed, May 3, 1943;
9:45 a. m.]

SNOWFLAKE PROJECT, ARIZ.

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 30, 1943.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

SNOWFLAKE PROJECT

GILA AND SALT RIVER MERIDIAN, ARIZONA

SHUMWAY RESERVOIR SITE

T. 11 N., R. 21 E.,
sec. 1, all;
sec. 12, all;
T. 12 N., R. 21 E.,
sec. 26, all;

JACQUES RESERVOIR SITE

T. 9 N., R. 22 E.,
sec. 2, lots 1, 2, S 1/2 NE 1/4, SE 1/4;
sec. 3, lots 2, 3, SW 1/4 NE 1/4, SE 1/4 NW 1/4,
E 1/2 SW 1/4 SE 1/4, SE 1/4 SE 1/4;
sec. 4, lots 3, 4, SW 1/4 NE 1/4, S 1/2 NW 1/4,
W 1/2 NW 1/4 SW 1/4, N 1/2 NE 1/4 SW 1/4;
sec. 10, E 1/2 NE 1/4, NW 1/4 NE 1/4, E 1/2 NE 1/4 NW 1/4,
E 1/2 E 1/2 W 1/2 SW 1/4, SW 1/4 SE 1/4, E 1/2 SE 1/4;
sec. 11, NE 1/4 NE 1/4, E 1/2 SE 1/4 NE 1/4, W 1/2 W 1/2,
E 1/2 SE 1/4 SW 1/4;
sec. 14, W 1/2 NW 1/4, S 1/2 SE 1/4 NW 1/4, NE 1/4
SW 1/4;
sec. 15, NE 1/4, E 1/2 NW 1/4, E 1/2 E 1/2 NW 1/4 NW 1/4,
S 1/2 SW 1/4 NW 1/4, NW 1/4 SW 1/4;
sec. 16, lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 16, 17,
and 18.

JOHN C. PAGE,
Commissioner.

I concur: April 17, 1943.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office

and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

APRIL 23, 1943.

[F. R. Doc. 43-6902; Filed, May 3, 1943;
9:45 a. m.]

General Land Office.

[Public Land Order 113]

NEW MEXICO

WITHDRAWING PUBLIC LAND FOR USE OF WAR
DEPARTMENT AS PRACTICE BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, 48 Stat. 1269 (U.S.C., title 43, sec. 315), It is ordered, As follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as a practice bombing range.

NEW MEXICO PRINCIPAL MERIDIAN

T. 14 N., R. 4 E., sec. 17, E 1/2 E 1/2.
The area described contains 160 acres.

The order of June 12, 1941, of the Secretary of the Interior, establishing New Mexico Grazing District No. 1, is hereby modified to the extent necessary to permit the use of the land as herein provided.

It is intended that the land described herein shall be returned to the administration of the Department of the Interior, when it is no longer needed for the purpose for which it is reserved.

HAROLD L. ICKES,
Secretary of the Interior.

APRIL 21, 1943.

[F. R. Doc. 43-6830; Filed, May 1, 1943;
9:41 a. m.]

[Circular 1527]

TOWN SITE OF NEWELL, S. DAK.

REGULATIONS FOR SALE OF TOWN LOTS

1. *Statutory authority.* Four lots not offered at a previous sale of lots in Newell Town Site, South Dakota, will be disposed of under the acts of April 16 and June 27, 1906 (34 Stat. 116, 519; 43 U.S.C. 561, 568).

2. *Public sale.* On August 11, 1943, at 10 a. m., at the Belle Fourche Project Office at Newell, South Dakota, lots 5, 6, 7 and 8 of block 43, each lot with an area of 3,250 square feet, will be offered for sale at public auction to the highest bidder at not less than \$35 per lot. F. C. Youngblutt has been designated as superintendent of the sale, and N. J. Flint as auctioneer.

3. *Terms of sale.* Full payment for the lots must be made in cash on the date of the sale. The superintendent of sale will forward the money received

to the Register of the District Land Office at Pierre, South Dakota.

4. *Authority of superintendent.* The superintendent conducting the sale is authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots to such time and place as he may deem proper. After all lots have been offered, the superintendent will close the sale. Any lot or lots remaining unsold will be subject to private entry at the District Land Office at Pierre, South Dakota, for \$35 per lot.

5. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code, U. S. C. Title 18, section 113.

FRED W. JOHNSON,
Commissioner.

Approved: April 17, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-6831; Filed, May 1, 1943;
9:41 a. m.]

Office of the Secretary.

BITUMINOUS COAL MINES

ORDER FOR TAKING POSSESSION

By virtue of the authority vested in me by the President of the United States, (E.O. 9340, *supra*), I hereby find from the available information that a strike or stoppage has occurred or is threatened in each of the bituminous coal mines operated by the companies specified in Appendix A attached hereto,¹ and therefore take possession of each such mine including any and all real and personal property, franchises, rights, facilities, funds and other assets used in connection with the operation of such mines and the distribution and sale of its products, for operation by the United States in furtherance of the prosecution of the war.

The president of each company (or its chief executive officer) specified in Appendix A attached hereto, is hereby and until further notice designated operating manager for the United States for such mine and is authorized and directed, subject to such supervision as I may prescribe, and in accordance with regulations to be promulgated by me, to operate such mine and to do all things necessary and appropriate for the operation of the mine, and for the distribution and sale of the product thereof.

All of the officers and employees of the company are serving the Government of the United States and shall proceed forthwith to perform their usual functions and duties in connection with the operation of the mine and the distribution and sale of the product thereof, and shall conduct themselves with full regard for their obligations to the Government of the United States.

¹ Filed as part of the original document.

No person shall interfere with the operation of the mine by the United States Government, or the sale or distribution of the product thereof, in accordance with this order.

The operating manager for the United States shall forthwith fly the flag of the United States upon the mining premises, post in a conspicuous place upon the premises on which such mine is located a notice of taking possession of the mine by the Secretary of the Interior, and furnish a copy of such notice to all persons in possession of funds and properties due and owing to the company.

Possession and operation of any mine may be terminated by the Secretary of the Interior at such time as he should find that such possession and operation are no longer required for the successful prosecution of the war.

HAROLD L. ICKES,
Secretary of the Interior.

MAY 1, 1943.

[F. R. Doc. 43-6874; Filed May 1, 1943;
4:04 p. m.]

SOLID FUELS ADMINISTRATOR FOR WAR AND DEPUTY SOLID FUELS ADMINISTRATOR FOR WAR

DELEGATION OF AUTHORITY

Pursuant to the provisions of Executive Order No. 9340 of May 1, 1943, *Supra*, the Solid Fuels Administrator for War, and the Deputy Solid Fuels Administrator for War subject to such supervision and direction as the Administrator shall from time to time determine, are hereby authorized to exercise any and all power, authority and discretion conferred upon the Secretary of the Interior, with respect to bituminous coal mines possession of which has been taken by him, to the same extent and with the same effect as the said power, authority and discretion may be exercised directly by the Secretary of the Interior.

HAROLD L. ICKES,
Secretary of the Interior.

MAY 1, 1943.

[F. R. Doc. 43-6876; Filed May 1, 1943;
4:04 p. m.]

[Order No. 1816]

ANTHRACITE COAL MINES

ORDER FOR TAKING POSSESSION

By virtue of the authority vested in me by the President of the United States, I hereby find from the available information that a strike or stoppage has occurred or is threatened in each of the coal mines operated by the companies specified in Appendix A attached hereto,¹ and therefore take possession of each such mine including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mine and the distribution and sale of its products, for operation by the United States in furtherance of the prosecution of the war.

The president of each company (or its chief executive officer) specified in Appendix A attached hereto, is hereby and until further notice designated operating manager for the United States for such mine and is authorized and directed, subject to such supervision as I may prescribe, and in accordance with regulations to be promulgated by me, to operate such mine and to do all things necessary and appropriate for the operation of the mine, and for the distribution and sale of the product thereof.

All of the officers and employees of the company are serving the Government of the United States and shall proceed forthwith to perform their usual functions and duties in connection with the operation of the mine and the distribution and sale of the product thereof, and shall conduct themselves with full regard for their obligation to the Government of the United States.

No person shall interfere with the operation of the mine by the United States Government, or the sale or distribution of the product thereof, in accordance with this order.

The Operating Manager for the United States shall forthwith fly the flag of the United States upon the mining premises, post in a conspicuous place upon the premises on which such mine is located a notice of taking possession of the mine by the Secretary of the Interior, and furnish a copy of such notice to all persons in possession of funds and properties due and owing to the company.

Possession and operation of any mine may be terminated by the Secretary of the Interior at such time as he should find that such possession and operation are no longer required for the successful prosecution of the war.

HAROLD L. ICKES,
Secretary of the Interior.

MAY 1, 1943.

[F. R. Doc. 43-6922; Filed, May 3, 1943;
11:16 a. m.]

DEPARTMENT OF AGRICULTURE

Farm Security Administration.

VAN ZANDT COUNTY, TEXAS

DESIGNATION FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations.

A description of the localities and the determination of value for each follow:

REGION VIII

TEXAS

County: Van Zandt:

Locality I—Consisting of Precinct 1.....	\$2,121
Locality II—Consisting of Precinct 2.....	2,433
Locality III—Consisting of Precinct 3.....	4,085
Locality IV—Consisting of Precinct 4.....	2,784
Locality V—Consisting of Precinct 5.....	2,283
Locality VI—Consisting of Precinct 6.....	2,125
Locality VII—Consisting of Precinct 7.....	2,048
Locality VIII—Consisting of Precinct 8.....	2,196

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: May 1, 1943.

[SEAL]

R. W. HUDGENS,
Administrator.

[F. R. Doc. 43-6872; Filed, May 1, 1943;
4:11 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

J. C. OTT PACKAGINGS

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective May 3, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

J. C. Ott Packagings, Water Street, Selinsgrove, Pennsylvania; Converted Paper Products; 1 learner (T); S & S Machine Operator (Wrapping Machine) for a learning period of Six Weeks (240 hours); at the rate of 35 cents per hour until November 3, 1943.

Signed at New York, N. Y., this 1st day of May 1943.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-6896; Filed, May 3, 1943;
9:46 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and Order or Regulation, and the effective and expiration dates of the Certificates issued to each employer is listed below. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

American Sportswear Company, 61 So. Main Street, Brigham City, Utah; Leather jackets; 10 learner (T); effective April 30, 1943, expiring April 30, 1944.

Bloom Undergarment Company, 101 Park Avenue, Paterson, New Jersey; Undergarments; 2 learners (T); effective April 28, 1943, expiring April 28, 1944.

H. Bomze & Brother, Lititz, Pennsylvania; Cotton and rayon dresses; 5 learners (T); effective April 28, 1943, expiring April 28, 1944.

Capital Manufacturing Company, Incorporated, 414 East Ninth Street, Los Angeles, California; Dress shirts, collars, sleeping wear, men's neckwear; 10 percent (T); effective May 2, 1943, expiring May 2, 1944.

Decatur Garment Company, 542 N. Main Street, Decatur, Illinois; Cotton dresses; 12 learners (A. T.); effective April 28, 1943, expiring October 28, 1943.

Desirable Frocks, 304 Ninth Street, Jersey City, New Jersey; Children's dresses; 4 learners (T); effective April 29, 1943, expiring April 29, 1944.

S. Allen Drissel, Chalfont Road, Line Lexington, Pennsylvania; Men's trousers; 5 learners (T); effective April 28, 1943, expiring April 28, 1944.

Ely & Walker Dry Goods Company, Salem, Missouri; Army shorts, pajamas, men's shirts; 10 learners (A. T.); effective April 30, expiring November 16, 1943.

The H. & W. Company, Incorporated, 22 Lawrence Street, Newark, New Jersey; Corsets, girdles, garter belts and brassieres; 10 learners (T); effective April 28, 1943, expiring April 28, 1944.

Hammonton Manufacturing Company, 321 Egg Harbor Road, Hammonton, New Jersey; Rainwear; 5 learners (T); effective April 29, 1943, expiring April 29, 1944.

Ideal Sportswear Company, Incorporated, 127 East 9th Street, Los Angeles, California; Ladies' sportswear, slacks, slacks suits; effective May 3, 1943, expiring May 3, 1944.

Juvenile Manufacturing Company, Incorporated, 327 No. Flores Street, San Antonio, Texas; Infants' & children's apparel, Government mosquito bars; 10 percent (A. T.); effective April 30, 1943, expiring October 30, 1943.

S. Kantor Company, 31 South 8th Street, Lebanon, Pennsylvania; Ladies' blouses; 15 learners (A. T.); effective April 28, 1943, expiring January 28, 1944.

Kleeson Company, Jefferson Avenue, Moundsville, West Virginia; Cotton work pants, semi-dress pants; 12 learners (A. T.); effective April 29, 1943, expiring November 2, 1943.

Lancaster Garment Company, Incorporated, 241 North Ann Street, Lancaster, Pennsylvania; WAAC exercise suits, children's wash dresses; 10 percent (T); effective April 30, 1943, expiring April 30, 1944.

Lenoir Shirt Company, Caswell Street, Kinston, North Carolina; Men's shirts; 10 percent (T); effective May 5, 1943, expiring May 5, 1944.

Manistee Garment Company, River Street, Cadillac, Michigan; Cotton wash dresses; 6 learners (T); effective April 28, 1943, expiring April 28, 1944.

Medaryville Garment Company, Medaryville, Indiana; Children's overalls; 10 percent (T); effective April 29, 1943, expiring April 29, 1944.

Pennsylvania Apparel Company, 247-249 North 12th Street, Philadelphia, Pennsylvania; Washable service uniforms; 5 learners (T); effective April 30, 1943, expiring April 30, 1944.

Rice-Stix Factory No. 20, Slater, Missouri; Men's and boys' underwear; 22 learners (A. T.); effective April 30, 1943, expiring October 30, 1943. (This certificate replaces the one you now have bearing the expiration date of July 13, 1943.)

M. Stefany, 496 Nye Avenue, Rear, Irvington, New Jersey; Ladies' rayon underwear; 2 learners (T); effective April 29, 1943, expiring April 29, 1944.

Cigars Industry

John H. Swisher and Son, Incorporated, Quincy, Florida; Cigars; 210 learners (E); Cigar Machine Operator and Packer for a learning period of 320 hours and Stripping Machine Operator for a learning period of 160 hours at 75% of the applicable hourly minimum; effective May 3, expiring November 2, 1943.

Gloves Industry

Wells Lamont Corporation, Edina, Missouri; Work gloves; 25 learners (A. T.); effective April 28, 1943, expiring October 28, 1943.

Wells Lamont Corporation, New London, Iowa; Knit fabric gloves; 5 learners (A. T.); effective April 28, 1943, expiring November 30, 1943.

Hosiery Industry

Cherokee Hosiery Mill, Murphy, North Carolina; full-fashioned hosiery; 15 learners (E); effective April 27, 1943, expiring October 27, 1943.

Hollar Hosiery Mills, Incorporated, Hickory, North Carolina; Seamless hosiery; 5 learners (T); effective March 22, 1943, expiring July 30, 1943. (This certificate will replace the certificate effective July 30, 1942 and expiring July 30, 1943.)

Industrial Hosiery Mills, Incorporated, Summit and Chestnut Streets, Mohn-ton, Pennsylvania; Seamless hosiery; 5 learners (T); effective April 28, 1943, expiring April 28, 1944.

Milne Hosiery Mills, Cleveland, Tennessee; Seamless hosiery; 5 learners (A. T.); effective April 28, 1943, expiring February 4, 1944.

Morganton Full Fashioned Hosiery Company, 101 Lenoir Street, Morganton, North Carolina; Full-fashioned hosiery; 10 percent (A. T.); effective April 30, 1943, expiring October 30, 1943.

Phoenix Hosiery Company, 320 E. Buffalo Street, Milwaukee, Wisconsin; Full-fashioned hosiery; 20 percent (A. T.); effective April 30, 1943, expiring October 30, 1943. (This certificate replaces the

one you have bearing the expiration date of July 6, 1943.

Radford Knitting Mills, Radford, Virginia; Full-fashioned hosiery; 5 learners (A. T.); effective April 28, 1943, expiring October 28, 1943.

Textile Industry

Union Manufacturing Company, Union Point, Georgia; Yarns and hosiery; 5 learners (A. T.); effective April 30, 1943, expiring December 14, 1943.

Signed at New York, N. Y., this 1st day of May 1943.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-6897; Filed, May 3, 1943;
9:46 a. m.]

BOARD OF ECONOMIC WARFARE.

AUTHORIZATION OF EXPORTATION TO THE TWENTY OTHER AMERICAN REPUBLICS

EXTENSION OF VALIDITY OF INDIVIDUAL EXPORT LICENSES

The period of validity of individual export licenses issued on or after November 1, 1942, by the Office of Exports authorizing exportations to destinations designated below is hereby extended to one year from the date of the issuance thereof, regardless of provisions to the contrary in such licenses. The above provision shall apply with equal force and effect to all such licenses issued subsequent to the date of this order.

Argentina.	Guatemala.
Bolivia.	Haiti.
Brazil.	Honduras.
Chile.	Mexico.
Colombia.	Nicaragua.
Costa Rica.	Panama.
Cuba.	Paraguay.
Dominican Republic.	Peru.
Ecuador.	Uruguay.
El Salvador.	Venezuela.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807; Subparagraph (3) of paragraph (f) of § 804.1, General Revision of Export Regulations, 8 F.R. 1563)

Dated: April 29, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-6818; Filed, May 1, 1943;
9:10 a. m.]

FEDERAL COMMUNICATIONS COM- MISSION.

[Order 113]

WESTERN UNION TELEGRAPH CO. AND
POSTAL TELEGRAPH-CABLE CO.

ORDER TO CONDUCT SPEED OF SERVICE STUDIES

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April, 1943;

The Commission having under consideration the matter of telegraph speed of service; and

Whereas, the Board of War Communications has requested the Commission to report every three months to the Board of War Communications the current state of service being rendered by the telegraph industry, together with any recommendations for the improvement of such service in the interest of the war effort; and

Whereas, the Commission is of the opinion that such reports cannot be made on the basis of information and data presently available or being collected; and

Whereas, the Commission is of the opinion that it should be kept fully informed as to the speed of telegraph service rendered by the principal wire-telegraph carriers subject to the Communications Act of 1934, as amended;

It is ordered, That The Western Union Telegraph Company and the Postal Telegraph-Cable Company shall, in accordance with the general instructions attached hereto and made a part hereof,¹ conduct speed of service studies beginning June 1, 1943, and file with the Commission no later than July 20th and the twentieth day of each succeeding month reports on forms prescribed by the Commission showing the results of such studies for the preceding month; and

It is further ordered, That such speed of service studies shall be conducted by the above-named carriers at their offices located in the following twenty-five cities: Atlanta, Baltimore, Boston, Buffalo, Charlotte, Chicago, Cincinnati, Cleveland, Dallas, Denver, Detroit, Jacksonville, Kansas City, Los Angeles, Miami, Minneapolis, New Orleans, New York, Philadelphia, Pittsburgh, Portland (Oregon), Richmond, St. Louis, San Francisco, and Washington.

By the Commission,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-6829; Filed, May 1, 1943;
9:41 a. m.]

[Dockets Nos. 6459-67, Inc.]

R. C. A. COMMUNICATIONS, INC.

ORDER DISMISSING PROCEEDINGS AND GRANTING APPLICATIONS

In the matter of applications of R. C. A. Communications, Inc., for renewals of licenses for fixed public point-to-point telegraph and telephone stations at Kahuku, T. H. (telegraph and telephone); Rocky Point, New York; New York, N. Y.; New Brunswick, New Jersey; Tuckerton, New Jersey; Marion, Massachusetts; Bolinas, California; and San Juan, Puerto Rico.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of April 1943;

It appearing that R. C. A. Communications, Inc., under date of April 13, 1943,

¹ Filed as part of original document.

has submitted copies of communications, sent by it to all of its foreign correspondents with whom it now operates international radiotelegraph circuits under agreements or understanding providing for the transmission over the R. C. A. Communications, Inc. circuit of all un-routed traffic received by the foreign correspondents and destined to the United States, waiving the provisions in such agreements or understandings which require such correspondents to transmit all un-routed traffic over the R. C. A. Communications, Inc. circuit:

It is ordered, That the above-entitled proceedings be and they are hereby dismissed;

It is further ordered, That the above-mentioned applications be and they are hereby granted and that each of the licenses issued pursuant to this order shall include the following condition:

This license is granted upon condition that the licensee shall not operate under or enter into any contract, arrangement, or understanding with any foreign carrier or administration, which might prevent or hamper the establishment or unrestricted operation by such foreign carrier or administration of circuits with any other United States carrier, or the transmission of un-routed traffic of all classes over such circuits operated with other United States carriers.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION.

T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-6921; Filed, May 3, 1943;
11:07 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Supplement to Vesting Order 46]

CISATLANTIC CORPORATION AND CISOCEANIC
CORPORATION

Whereas, pursuant to Vesting Order Number 46 of July 2, 1942, the undersigned vested, among other things, certain forge shop equipment, and related property, therein described; and

Whereas, the undersigned in such vesting order expressly found such property to be the property of nationals (without naming them) of a foreign country (without naming it); and

Whereas, further investigation has revealed additional facts with reference to the ownership on July 2, 1942 of such property which were not known to the undersigned at the time of such vesting; and

Whereas, it is deemed desirable that the aforesaid finding (to which reference is hereinbefore made in the second "whereas" clause) be elaborated and supplemented to state more specific details related thereto, and to make such details the subject of formal express findings in further support of such vesting;

Now, therefore, the express finding in Vesting Order Number 46 of July 2, 1942 to the effect the forge shop equipment and other property described in subparagraph 3 of such vesting order was on the

date of such vesting order "the property of Nationals of a Foreign Country designated in Executive Order No. 8389, as amended, as defined therein" is hereby supplemented by the additional findings hereby made by the undersigned as follows:

1. That Industria Romana Mecanica si Chimica S. A. (herein called "Iremece") is a corporation organized under the laws of and doing business in Rumania, and is a national of a designated enemy country (Rumania).

2. That the property described in subparagraph 3 of Vesting Order Number 46 as follows:

All forge shop equipment for a bomb manufacturing plant (which forge shop equipment has been represented to the undersigned to consist of one forging furnace, one 1500 ton hydraulic press, one reheating furnace, one 300/200 ton hydraulic draw-bench, one closing-in furnace, one set of handling equipment, one hydraulic shock absorber, one cushioned hydraulic accumulator, two hydraulic pumps with motors and controls, two fuel oil burning systems and two sets of dies) located at the Kent Street pier, care of Steamship Terminal Operating Corporation, Brooklyn, New York; all furnace brick stored with Bethlehem Steel Company, Bethlehem, Pennsylvania, which constitutes part of such forge shop equipment.

was on July 2, 1942 owned by Iremece, and was on July 2, 1942 property within the United States owned by a national of a designated enemy country (Rumania).

Any person, except a national of a designated enemy country, asserting any claim arising as a result of any part of Vesting Order Number 46 of July 2, 1942 which dealt with or affected the property hereinbefore described in subparagraph 2 (but excluding all those parts of said vesting order which dealt with or affected other property), or arising as a result of this supplement to such vesting order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

Said Vesting Order Number 46 and all action taken thereby and taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof, are, in so far as they are not inconsistent with this supplement thereto, hereby ratified and confirmed; and all statements and findings therein made are, in so far as they are not inconsistent with any provision of this supplement to such vesting order, by reference incorporated herein and made a part hereof.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on April 27, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-6819; Filed, May 1, 1943;
10:38 a. m.]

[Vesting Order 729]

PERSONAL PROPERTY OF DOTT. MASSIMILIANO MASSA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Dott. Massimiliano Massa is a sole proprietorship whose principal place of business and last known address is Milano, Italy, and is a national of a designated enemy country (Italy);

2. Finding that said Dott. Massimiliano Massa is the owner of the property described in subparagraph 3 hereof;

3. Finding therefore that the property described as follows:

a. 11,250 pounds of carbon black presently stored in the warehouse of The Manchester Terminal Corporation, Houston, Texas, in the name of Binney and Smith Company of New York, New York;

b. All right, title, interest and claim of any name or nature whatsoever of Dott. Massimiliano Massa in and to all obligations, contingent or otherwise and whether or not matured, owing to Dott. Massimiliano Massa by Binney and Smith Company of New York, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a re-

quest for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-6820; Filed, May 1, 1943;
10:38 a. m.]

[Vesting Order 814]

DET NORSKE AKTIESELSKAB FOR ELEKTROKEMISK INDUSTRI

Re: Patent applications of Det Norske Aktieselskab for Elektrokemisk Industri and interests in certain agreements.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Det Norske Aktieselskab for Elektrokemisk Industri is a corporation of Norway with a principal place of business at Oslo, Norway, and is a national of a foreign country (Norway);

2. Finding that Aktieselskabet Meraker Smelteverk is a corporation of Norway with a principal place of business at Koppeaa, Norway, and is a national of a foreign country (Norway);

3. Finding that said Det Norske Aktieselskab for Elektrokemisk Industri is the owner of the patent applications described in subparagraph 5-a hereof and has interests in the agreements described in subparagraphs 5-b, 5-c and 5-d hereof;

4. Finding that said Aktieselskabet Meraker Smelteverk has interests in the agreements described in subparagraphs 5-b and 5-c hereof;

5. Finding, therefore, that the property described as follows:

a. Patent applications identified as follows:

Serial No.	Filing date	Inventor
436,585.....	3/28/42	G. Hagerup-Larsen.
444,238.....	5/23/42	G. Hagerup-Larsen.

b. The interest of Det Norske Aktieselskab for Elektrokemisk Industri, its successors and assigns, and the interest of Aktieselskabet Meraker Smelteverk, its successors and assigns, in and under a certain agreement dated November 23, 1926 by and between said Det Norske Aktieselskab and Elektrokemisk Industri and Union Carbide Company, a Virginia corporation, relating to United States Patents owned by Det Norske Aktieselskab for Elektrokemisk Industri, including all accrued royalties and other monies payable or held with respect to said interests and all damages for breach of said agreement, together with the right to sue therefor,

c. The interest of Det Norske Aktieselskab for Elektrokemisk Industri, its successors and assigns, and the interest of Aktieselskabet Meraker Smelteverk, its successors and assigns, in and under an agreement entered into between them on April 26, 1935 relating to United States and Canadian Patents and Patent Applications owned by said Det Norske Aktieselskab for Elektrokemisk Industri, except in so far as such interests relate to Canadian Patents and Patent Applications, and

d. The interest of Det Norske Aktieselskab for Elektrokemisk Industri, a corporation of Norway, its successor and assigns, in and under an agreement dated September 17, 1940 between Det Norske Aktieselskab for Elektrokemisk Industri and Aluminum Company of America, relating to United States Patents owned by Det Norske Aktieselskab for Elektrokemisk Industri, including all accrued royalties and other monies payable or held with respect to said interest and all damages for breach of said agreement together with the right to sue therefor.

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Norway);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 5, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on February 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-6821; Filed, May 1, 1943;
10:39 a. m.]

[Vesting Order 920]

E. E. SZEKELY

Re: Patent of E. E. Szekely, trademarks of "Chinoin" and rights and contractual interests related thereto.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095 as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Chinoin gyogyszer es vegyszeti termekgyara R. T. (Dr. Kereszty es Dr. Wolf), also known as Chinoin Chemical and Pharmaceutical Works, Ltd., hereinafter referred to as "Chinoin", is a corporation organized under the laws of the Kingdom of Hungary, and has a place of business in Ujpest, Hungary, and, therefore, is a national of a foreign country (Hungary);

2. Finding that E. E. Szekely is a resident of Paris, France, and therefore is a national of a foreign country (France);

3. Finding that Chinoin is the owner of those certain trademarks identified in Exhibit A attached hereto and made a part hereof, together with the rights thereunder hereinafter described in subparagraph 5 and all other property described in said subparagraph 5, and also is the owner of interests in those certain contracts relating to patents and trademarks identified as items (a), (b), (c) and (d) of Exhibit B attached hereto and made a part hereof;

4. Finding that the aforesaid E. E. Szekely holds, as agent for Chinoin, interests in that certain contract identified as item (e) of said Exhibit B and also the patent referred to in paragraph 6-b hereof;

5. Finding, therefore, that the property described as follows:

The trademarks registered in the United States Patent Office under the numbers and on the dates set out in said Exhibit A, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit, and the registrations thereof, together with the respective good will of the business in the United States and all its possessions to which the said trademarks are appurtenant, and any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment) and any interest of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trademarks and registrations thereof, including without limitation all accrued royalties payable or held with respect to said trademarks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof;

is property in which a national of a foreign country (Hungary) has an interest;

6. Finding also that the property described as follows:

a. The interests of Chinoin and E. E. Szekely, and each of them, in contracts (relating to patents and trademarks) which are described in said Exhibit B, together with all income, profits, royalties and other property heretofore accrued or which may hereafter accrue to or in favor of each of such persons; and

b. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patent identified as follows:

Patent No.	Date	Record owner	Inventor	Title
2,117,901	5-17-38	E. E. Szekely.....	Nicholas M. Molnar.....	Therapeutically active organic mercurial derivatives of camphoric acid, etc.

is property of, or is property payable or held with respect to patents and trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Hungary and France);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraphs 5 and 6, to be held, used, administered, liquidated, sold or otherwise dealt with in the interests of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on February 17, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively, except where other record owner is shown:

Trade-mark Reg. No.	Date	Registrant	Character of goods
151, 711 (renewed)	2/14/22	Chinoin gyogyszer es vegyeszeti termek gyara R. T. (Dr. Kereszty es Dr. Wolf), Hungarian national, Upjest, Hungary.	Preparations for distoma.
140, 537	3/27/28	"Chinoin" gyogyszer es vegyeszeti termek gyara reszvenytarsasag (Dr. Kereszty es Dr. Wolf), Hungarian national, Upjest, near Budapest, Hungary.	White crystalline powder, etc.
313, 339	5/22/34	"Chinoin" gyogyszer es vegyeszeti termek gyara reszvenytarsasag (Dr. Kereszty es Dr. Wolf), Hungarian national, Upjest, near Budapest, Hungary.	Medicines for human use, etc.
313, 639	6/ 5/34	"Chinoin" gyogyszer es vegyeszeti termek gyara reszvenytarsasag (Dr. Kereszty es Dr. Wolf), Hungarian national, Upjest, Hungary.	Medicines for human use, etc.
315, 683	8/ 7/34	American Bio-Chemical Company, Inc. Record title in "Chinoin" gyogyszer es vegyeszeti termek gyara reszvenytarsasag (Dr. Kereszty es Dr. Wolf), Hungarian national, Upjest, Hungary.	Organic compound, etc.
338, 989	9/22/36	Campbell Products, Inc. Record title in "Chinoin" gyogyszer es vegyeszeti termek gyara reszvenytarsasag (Dr. Kereszty es Dr. Wolf), Hungarian national, Upjest, Hungary.	Diuretic suppositories, etc.
361, 584	11/ 8/38	"Chinoin" gyogyszer es vegyeszeti termek gyara reszvenytarsasag (Dr. Kereszty es Dr. Wolf), Hungarian national, Upjest, Hungary.	Medicines, chemical and pharmaceutical products, etc.

EXHIBIT B

Interests in contracts identified as follows, and in which the nationality of the person whose interest is vested is indicated below the identification of the contract:

(a) All right, title and interest of Chinoin Chemical and Pharmaceutical Works, Ltd., in and to a certain Agreement dated at New York, August 15, 1933, and at Upjest, Hungary, July 31, 1933, by and between American Bio-Chemical Laboratories, Inc., and Chinoin Chemical and Pharmaceutical Works, Ltd., involving the chemical products referred to therein and the sale thereof under the trade-marks "Novatropin" and "Novurit", subject to and including all interpretations and modifications thereof and supplements thereto, including, but not by way of limitation, all agreements by exchange of letters as of June 21, 1935, and other dates; a certain Addendum

Agreement dated May 16, 1939, by and between Campbell Products, Inc., and Chinoin Chemical and Pharmaceutical Works, Ltd., involving the said trade-marks "Novatropin" and "Novurit" and also the trade-marks "Mercupurin" and "Mercurin"; and two License Agreements each dated January 14, 1939, by and between Campbell Products, Inc., and Chinoin Chemical and Pharmaceutical Works, Ltd., relating to the trade-marks "Mercupurin" and "Mercurin", respectively.

Last known address: Upjest, Hungary. Nationality: Hungary.

(b) All right, title and interest of Chinoin Chemical and Pharmaceutical Works, Ltd., in and to an Agreement dated July 28, 1934, by and between American Bio-Chemical Company, Inc., and Chinoin Chemical and Pharmaceutical Works, Ltd., involving U. S. Patent 1,962,224 and trade-mark "Perparin", subject

to and including all interpretations and modifications thereof, and supplements thereto, including, but not by way of limitation, a certain Addendum Agreement dated May 16, 1939, by and between Campbell Products, Inc., (formerly named American Bio-Chemical Company, Inc.), and Chinoin Chemical and Pharmaceutical Works, Ltd.

Last known address: Upjest, Hungary. Nationality: Hungary.

(c) All right, title and interest of Chinoin Chemical and Pharmaceutical Works, Ltd., in and to a certain agreement dated March 8, 1941, by and between Campbell Products, Inc., and Chinoin Chemical and Pharmaceutical Works, Ltd., involving rights in and under U. S. Patents Nos. 2,116,827 and 2,134,247 and the trade-mark "Rubrophen".

Last known address: Upjest, Hungary. Nationality: Hungary.

(d) All right, title and interest of Chinoin Chemical and Pharmaceutical Works Co., Ltd., in and to a certain Agreement dated June 27, 1941, by and between Campbell Products, Inc., Chinoin Chemical and Pharmaceutical Works Co., Ltd., and Fine Organics, Inc., relating to mercurial salts used in the preparation of "Mercupurin" and "Mercurin".

Last known address: Upjest, Hungary. Nationality: Hungary.

(e) All right, title and interest of E. E. Szekely and of Chinoin Chemical and Pharmaceutical Works, Ltd., in and to a certain contract dated June 25, 1938, by and between Gunnar S. Clyve and Nicholas M. Molnar, relating to United States Letters Patent No. 2,117,901, issued May 17, 1938, inventor Nicholas M. Molnar, for Therapeutically active organic mercurial derivatives of camphoric acid and its salt and the process of preparing the same; and assignment dated June 25, 1938 of said patent by Gunnar S. Clyve to E. E. Szekely.

Last known addresses: Paris, France, and Upjest, Hungary, respectively. Nationality: France and Hungary, respectively.

[F. R. Doc. 43-6822; Filed, May 1, 1943; 10:38 a. m.]

[Vesting Order 1088]

GEORGE FISCHER AND HANS FISCHER

Re: Mortgages, a participation certificate and bank accounts owned by George Fischer and Hans Fischer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that George Fischer and Hans Fischer are citizens of Germany, whose last known addresses are Zumguten Hirten 35, Munster, Germany, and Ubbediseen 28, b/Bielefeld, Germany, respectively, and are nationals of a designated enemy country (Germany);

2. Finding that said George Fischer and/or Hans Fischer are the owners of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest, estate and claim, of any name or nature whatsoever, of George Fischer and Hans Fischer, and each of them, in and to the following obligations (contingent or otherwise and whether or not matured) including but not limited to all security rights in and to any and all collateral (including the mortgages herein-after mentioned) for any or all of such obligations and the right to sue for and collect such obligations:

(1) Obligations secured by a first mortgage jointly held by said George Fischer and Hans Fischer on the lot and improvements

located at 9022 Krier Place, Brooklyn, New York, recorded in the Register's Office of Kings County, New York, at Liber 7882 of Mortgages, Page 101.

(ii) Obligations secured by a first mortgage jointly held by said George Fischer and Hans Fischer on the lots and improvements located at 146 Somers Street, Brooklyn, New York, recorded in the Register's Office of Kings County, New York, at Liber 7871 of Mortgages, Page 273.

(iii) Obligations secured by a first mortgage held by said George Fischer on the lot and improvements located at 988 Sutter Avenue, Brooklyn, New York, recorded in the Register's Office of Kings County, New York, at Liber 7615 of Mortgages, Page 5, and a first mortgage held by said George Fischer on the lot and improvements located at 206 Seventh Street, Brooklyn, New York, recorded in the Register's Office of Kings County, New York, at Liber 7724 of Mortgages, Page 301.

(iv) Obligations secured by a first mortgage held by said Hans Fischer on the lot and improvements located at 276 Tompkins Avenue, Brooklyn, New York, recorded in the Register's Office of Kings County, New York, at Liber 7320 of Mortgages, Page 180, and

(v) Obligation of the Chase National Bank of the City of New York arising from bank accounts maintained in said bank in the names of George Fischer and Hans Fischer, which accounts are due and owing to, and held for, George Fischer and Hans Fischer, or either of them;

b. That certain certificate of participation in a mortgage for \$73,350 covering a 4-story apartment house with 28 apartments, known as 10 Martense Street, Brooklyn, New York, held by the Chase National Bank of the City of New York for the account of Hans Fischer;

c. All right, title, interest and estate, both legal and equitable, of George Fischer in and to Lot No. 37230 in the Green-Wood Cemetery, Brooklyn, New York, and the East Half of Lot No. 197 in the South Beach Cemetery, Greenwich, Connecticut, which lots are evidenced by two deeds held by the Chase National Bank of the City of New York for George Fischer;

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that the property described in subparagraphs 3-a-(v) and 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraphs 3-a-(i), 3-a-(ii), 3-a-(iii) and 3-a-(iv), belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the

Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 22, 1943.

[SEAL]

LEO T. CROWLEY,

Alien Property Custodian.

[F. R. Doc. 43-6823; Filed, May 1, 1943; 10:38 a. m.]

[Vesting Order 1186]

MRS. HELENA KEIM

Re: Certain real property in Calhoun County, Texas, together with a bank account, owned by Mrs. Helena Keim.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Mrs. Helena Keim is a citizen of Germany, whose last known address is 7 II Elebeken, Hamburg, Germany, and is a national of a designated enemy country (Germany);

2. Finding that said Mrs. Helena Keim is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Mrs. Helena Keim, in and to that certain real property situated in Calhoun County, Texas, particularly described in Exhibit A attached hereto and made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Mrs. Helena Keim for rents, refunds and benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of said Mrs. Helena Keim, in and to all obligations, contingent or otherwise and whether or not matured, owing to her by the Bay City Bank & Trust Company, Bay City, Texas, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations, and including particularly the bank account in the Bay City Bank & Trust Company, Bay City, Texas, which bank account is due and owing to and held for and in the name of Helena Keim,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other

property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 2, 1943.

[SEAL]

LEO T. CROWLEY,

Alien Property Custodian.

EXHIBIT A

All that certain tract or parcel of land, situated in the County of Calhoun and State of Texas, and described as follows:

Beginning in lower line of land owned by M. Cloudt at the N. W. corner of sub-division No. 3 of 165 acres surveyed for Isabel Leibold; Thence S. 35° E. (with boundary line of said 165 acres) 510 varas to corner this survey in upper line of a county road same being the S. W. corner of said 165 acres;

Thence S. 55° W. (with boundary line of said road) 901 varas to the St. L. B. & M. R. R. right of way, post in fence for corner;

Thence N. 32½° W. with said R. R. right of way, 510 varas to corner this survey in boundary line of said Cloudt land;

Thence N. 55° E. (with boundary line of said Cloudt land) 879 varas to the place of beginning;

Containing eighty and four tenths (80¼) acres of land entirely out of the M. Castillo survey.

[F. R. Doc. 43-6824; Filed, May 1, 1943; 10:37 a. m.]

[Vesting Order 1229]

GENTOK NAKAI

Re: Interests in real property, and bank account, owned by Gentok Nakai.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Gentok Nakai is a citizen of Japan, whose last known address is 139 Minimigata Cho, Higasi Yodogawa Ku, Osaka, Japan, and is a national of a designated enemy country (Japan);

2. Finding that Gentok Nakai has interests in the property referred to in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Gentok Nakai, in and to:

(i) A certain land contract entered into between the Detroit Trust Company as Vendor, and Vern Mathews as Vendee, dated March 1, 1938 wherein in consideration of certain payments the Vendor agrees to convey title to certain real estate, which contract was assigned to Gentok Nakai on November 1, 1938, and

(ii) Real property covered by said contract, situated at 33 Baldwin Avenue, Pontiac, Michigan, and particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Gentok Nakai for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title, interest and claim of any name or nature whatsoever of Gentok Nakai, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to him by the Wabeek State Bank of Detroit, Detroit, Michigan, including but not limited to all security rights in and to any and all collateral for any or all such obligations, and the right to enforce such obligations, and including particularly the bank account in said Wabeek State Bank of Detroit, which is due and owing to, and held for, Gentok Nakai, in the name of Gentok Nakai, by I. J. Cohen, Agent,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a-(ii)) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to

indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on April 10, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that tract or parcel of land situated in the County of Oakland, State of Michigan, more particularly described as follows:

S 14' of following described land, part of Lot 17, Block 1 of Baldwin's Addition to City of Pontiac, a sub of Out Lots 2 and 4 on SW ¼ of Section 29 and part of S part of SE ¼ of SW ¼ of Section 20, T 3 N, R 10 E, Pontiac Township, according to the plat thereof as recorded Liber 1, Plats, page 16, Oakland County records, and more particularly described as follows: Commencing at SE corner of said Lot 17; thence Wly on S line of Lot 17, 98 feet; thence northerly 60' to a point in a line of said Lot 17, which is 100' Wly measured along N line of Lot 17 from NE corner thereof; thence Ely along N line of Lot 17, 100' to NE corner of Lot 17; thence S'ly along Wly line of Baldwin Ave., 60' from place of beginning; said lot is a part of, Out lot 4, of NW ¼ of Section 29; now known as Lot 85 of Assessor's Plat No. 122, a Replat of Assessor's Plat 34 and Hildale Addition and part of A. C. Baldwin's Addition, City of Pontiac, T 3 N, R 10 E, Pontiac Two, according to the plat thereof as recorded Liber 53 Plats, page 42, Oakland County records.

[F. R. Doc. 43-6825; Filed, May 1, 1943; 10:37 a. m.]

[Vesting Order 1230]

FRANK CASTELLI

Re: Real property and bank account owned by Frank Castelli.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Frank Castelli is a citizen of Italy, whose last known address is Pieve Del Cairo, Italy, and is a national of a designated enemy country (Italy);

2. Finding that Frank Castelli is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Frank Castelli, in and to the real property situated at 830 and 832 Poplar Avenue and 199 North Dunlap Street, Memphis, Tennessee, particularly described

in Exhibit A attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Frank Castelli for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever, of Frank Castelli, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to him by the State Savings Bank of Memphis, Tennessee, including but not limited to all security rights in and to any and all collateral for any or all such obligations, and the right to enforce such obligations, and including particularly the bank account in the State Savings Bank of Memphis, Tennessee, which is due and owing to, and held for, Frank Castelli, in the name of "Frank Castelli by Mario Castelli, Agent", is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 10, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that lot or parcel of land lying or being in Shelby County, Tennessee, described as follows:

Beginning at the intersection of the north side of Poplar Street with the west side of Dunlap Street, and running thence westwardly with the north side of Poplar Street forty-one (41) feet and one (1) inch; thence northwardly parallel with Dunlap Street one hundred and forty-eight and one-half (148½) feet to an alley; thence eastwardly with said alley forty-one (41) feet and one (1) inch to the west side of Dunlap Street; thence southwardly with the west side of Dunlap Street one hundred and forty-eight and one-half (148½) feet to the beginning, being lot number five (5) of the Holmes subdivision, in the City of Memphis.

[F. R. Doc. 43-6826; Filed, May 1, 1943; 10:37 a. m.]

[Vesting Order 1238]

UNIVERSITY OF WURZBURG

Re: Real property, a mortgage and right to revoke a trust agreement owned by the University of Wurzburg.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the University of Wurzburg is a business enterprise organized under the laws of Germany with its principal place of business in Wurzburg, Germany, and is a national of a designated enemy country (Germany);

2. Finding that said University of Wurzburg is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of the University of Wurzburg, in and to those certain real properties in the name of the First Wisconsin Trust Company, located in Milwaukee, Wisconsin, particularly described in Exhibits A, B, C and D, attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of the University of Wurzburg for rents, refunds, benefits or other payments arising from the ownership of such property;

b. All right, title, interest, estate and claim, of any name or nature whatsoever, of the University of Wurzburg, in and to any and all obligations, contingent or otherwise, and whether or not matured, which are secured by a first mortgage recorded on October 2, 1935 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, in Volume 1687 of Mortgages, page 444, on the real property located at 1863 A, B and C North Tenth Street, Milwaukee, Wisconsin, and including but not limited to all security rights in and to any and all collateral (including the aforementioned mortgage) for any or all of such obligations and the right to enforce and collect such obligations, and the right to the possession of all notes, bonds or other instruments evidencing any or all of such obligations; and

c. All right of the University of Wurzburg to revoke the Liquidating Trust Agreement dated June 19, 1931, made by and between the University of Wurzburg, as grantor, and the First Wisconsin Trust Company, Milwaukee, Wisconsin, as trustee for the benefit of the University of Wurzburg,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be

treated as a national of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 15, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that tract or parcel of land hereinafter particularly described, with the buildings and improvements thereon situate, lying and being in the City and County of Milwaukee and State of Wisconsin, bounded and described as follows:

Lots numbered Seven (7) and Eight (8), in Block numbered Two Hundred Fourteen (214), Williams' Addition, in the North-West One-quarter (N.W.¼) of Section numbered Twenty (20), in Township numbered Seven (7) North, of Range numbered Twenty-two (22) East, in the City of Milwaukee, Milwaukee County, Wisconsin.

EXHIBIT B

All that tract or parcel of land hereinafter particularly described, with the buildings and improvements thereon situate, lying and being in the City and County of Milwaukee and State of Wisconsin, bounded and described as follows:

(a) Lot Six (6), in Block Two Hundred Twelve (212), in Subdivision of the South 23.572 acres of the East 38 acres of the Northeast Quarter of Section 30, in Township 7 North of Range 22 East;

(b) Lot Six (6), in Block Two Hundred Twelve (212), in Eldred's Addition to the City of Milwaukee, being the West 42.08 acres of the East half of the Northeast Quarter of Section 30, in Township 7 North of Range 23 East in the Second, formerly the Fifteenth

Ward, of the City of Milwaukee, Milwaukee County, Wisconsin.

EXHIBIT C

All that tract or parcel of land hereinafter particularly described, with the buildings and improvements thereon situate, lying and being in the City and County of Milwaukee and State of Wisconsin, bounded and described as follows:

Lot numbered Two (2) in Block numbered Five (5) in Plankinton's Addition in the West one-half (W.½) of South East Quarter (S.E.¼) of Section numbered Nineteen (19), in Township numbered Seven (7) North of Range numbered Twenty-two (22) East in the City of Milwaukee, county of Milwaukee, and state of Wisconsin.

EXHIBIT D

All that tract or parcel of land hereinafter particularly described, with the buildings and improvements thereon situate, lying and being in the City and County of Milwaukee and State of Wisconsin, bounded and described as follows:

Lots numbered 9 and 10, in Block numbered 4, in Wells' Addition, in the West One-half of the Southeast One-quarter of Section numbered 19, Township 7 North, of Range 22 East, in the City and County of Milwaukee, Wisconsin.

EXHIBIT E

All that tract or parcel of land hereinafter particularly described, with the buildings and improvements thereon situate, lying and being in the City and County of Milwaukee and State of Wisconsin, bounded and described as follows:

Lot numbered Five (5) on Block numbered One (1) in Vilet's Addition, in the East One-half (E.½) of the North East Quarter (N.E.¼) of Section numbered Nineteen (19) and the West One-half (W.½) of the North West Quarter (N.W.¼) of Section numbered Twenty (20), in Township numbered Seven (7) North of Range numbered Twenty-two (22) East.

[F. R. Doc. 43-6827; Filed May 1, 1943; 10:37 a. m.]

[Vesting Order 1240]

DIVIDEND RIGHTS OF EMIL SCHILL

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Emil Schill is a German citizen presently interned in a United States alien internment camp, and therefore is a national of a designated enemy country (Germany);

2. Finding that Friedrich Krupp A. G. is a corporation organized under the laws of and has its principal place of business in Germany, and therefore is a national of a designated enemy country (Germany);

3. Finding that The Nirosta Corporation is a Delaware corporation having its principal place of business in New York, New York, and is a business enterprise within the United States;

4. Finding that immediately prior to the issuance of Vesting Order Number 22 on June 16, 1942, 615 shares of the capital stock of The Nirosta Corporation were beneficially owned by the aforesaid Friedrich Krupp A. G. and an additional 100 shares thereof were owned by the aforesaid Emil Schill, all of which 715 shares were vested by the undersigned pursuant to Vesting Order Number 22 of June 16, 1942;

5. Finding that the aforesaid 715 shares constituted a substantial part, namely, 59.583%, of all outstanding capital stock of The Nirosta Corporation, and represented control of such business enterprise;

6. Finding, therefore, that The Nirosta Corporation is a national of a designated enemy country (Germany);

7. Finding that said Emil Schill is the owner of the property hereinafter described in subparagraph 8;

8. Finding that the property described as follows:

All right, title, interest, estate and claim of any name or nature whatsoever of Emil Schill in and to any and all obligations, contingent or otherwise, and whether or not matured, which are owing to him by The Nirosta Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to sue for and collect such obligations and the right to the possession of any and all notes, bonds, or other instruments evidencing any or all of such obligations, and including particularly but not limited to all dividends heretofore declared but not yet paid, and all of his rights, if any, to receive dividends hereafter declared or payable, on 70 of the aforesaid 615 shares of the capital stock of The Nirosta Corporation,

is an interest in the aforesaid business enterprise held by a national of an enemy country and also is property within the United States owned by a national of a designated enemy country;

9. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

10. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

11. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 8, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 15, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-6828; Filed, May 1, 1943; 10:39 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under MPR 33]

DANA WARP MILLS

ORDER GRANTING ADJUSTMENT

Order No. 4 Under Maximum Price Regulation No. 33—Carded Cotton Yarns

Yarn No.	Specifications	Premium (cents per pound)	Premium allowable on deliveries made on and after—
10s through 16s.....	When made of strict middling cotton—1 $\frac{1}{4}$ " staple.....	2.50	Oct. 24, 1942
17s through 30s.....	When made of strict middling cotton—1 $\frac{1}{4}$ " staple.....	.91	Oct. 24, 1942

(b) The provision of Maximum Price Regulation No. 33, except as modified by paragraph (a) above, shall apply to all sales of such carded yarns by the petitioner.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 4 may be revoked or amended at any time by the Office of Price Administration.

(e) This Order No. 4 shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6774; Filed, April 30, 1943; 12:25 p. m.]

[Order 7 Under MPR 39]

HANDCRAFT FABRICS, INC.

ORDER APPROVING NUMBER TO BE SOLD, TRANSFERRED AND DELIVERED

Order No. 7 Under Maximum Price Regulation No. 39—Woven Decorative Fabrics; Docket No. 3039-16.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

(a) During the year commencing July 13, 1942, and each succeeding 12 month period, Handcraft Fabrics, Inc., 641 West 43rd Street, New York, New York, may sell, transfer, and deliver new constructions of woven decorative fabrics to an amount not to exceed eight.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 7 may be revoked or amended at anytime by the Office of Price Administration.

(d) This Order No. 7 shall become effective May 1, 1943.

and the Processing Thereof; Docket No. 3033-13.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

(a) Dana Warp Mills, Westbrook, Maine, may sell and deliver and any person may purchase and receive from it the following yarns at prices not in excess of the applicable maximum price set forth in Maximum Price Regulation No. 33 plus the premium indicated below:

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6776; Filed, April 30, 1943; 12:26 p. m.]

[Order 32 Under MPR 136, as Amended]

SAMUEL G. BRAUN, INC.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 32 Under Maximum Price Regulation No. 136, as Amended—Machines and Parts, and Machinery Services Docket No. 3136-116.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1390.25a (b) of Maximum Price Regulation No. 136, as amended, and Revised Procedural Regulation No. 1, *It is hereby ordered:*

(a) Samuel G. Braun, Inc. of New York City, New York, is hereby authorized to charge \$2.00 per hour for the machinery services it performs in the repair, rebuilding and maintenance of laundry and dry cleaning machines.

(b) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall be come effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6775; Filed, April 30, 1943; 12:26 p. m.]

[Order 306 Under MPR 188]

SUPERPRINT PHOTO EQUIPMENT

APPROVAL OF MAXIMUM PRICES

Order No. 306 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) This Order No. 306 sets maximum prices for sales of a new photographic multiple back manufactured by Superprint Photo Equipment, 946 West Seventh Street, Los Angeles, California.

(1) For sales by the manufacturer to jobbers, the maximum price is \$21.00 each, exclusive of the federal excise tax, f. o. b. Los Angeles.

(2) For sales by jobbers to industrial users, the maximum price is \$35.00 each, exclusive of federal excise tax.

(b) To every multiple back to be shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price.

(c) The manufacturer shall notify every person who buys from it of the maximum price set by this Order No. 306 for resales by the purchaser. This notice shall be given at or prior to the first invoice to each purchaser and may be given in any convenient form.

(d) This Order No. 306 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 306 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6765; Filed, April 30, 1943;
12:24 p. m.]

[Order 307 Under MPR 188]

GEORGE H. DEAN, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 307 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, *It is hereby ordered:*

(a) George H. Dean, Inc., Norwood, R. I., may sell, offer for sale, transfer or deliver its Model D-75 ice refrigerator

manufactured by that company, at a price no higher than the following:

To distributors:

\$33.58 f. o. b. factory.

To dealers:

\$37.31 f. o. b. factory on purchases of less than carload lots.

\$35.45 f. o. b. factory on purchases of carload lots.

(b) This Order No. 307 may be revoked or amended by the Price Administrator at any time.

This Order No. 307 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6767; Filed, April 30, 1943;
12:28 p. m.]

[Order 310 Under MPR 188]

OLACH-HANZL FURNITURE CO., INC.

APPROVAL OF MAXIMUM PRICE

Order No. 310 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Olach-Hanzl Furniture Co., Inc., 339-49 N. Oakley Boulevard, Chicago, Illinois, is authorized to sell and deliver the wooden spring unit described in its letter to the Office of Price Administration, dated January 20, 1943 at a price f. o. b. Chicago, of \$0.60 per unit.

(b) This Order No. 310 may be revoked or amended by the Price Administrator at any time.

This Order No. 310 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6768; Filed, April 30, 1943;
12:26 p. m.]

[Order 311 Under MPR 188]

COLONIAL WOOD PRODUCTS COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 311, Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Colonial Wood Products Co., 329 Glendale Boulevard, Los Angeles, California, may sell and deliver to retailers

its new Venetian style floor screens at prices no higher than those set forth below:

	<i>Each</i>
Quantities of 1 to 5 screens.....	\$4.50
Quantities of 6 to 11 screens.....	4.25
Quantities of 12 or more screens.....	3.95

(b) This Order No. 311 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 311 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6766; Filed, April 30, 1943;
12:24 p. m.]

[Order 18 Under MPR 244]

THE BIGNALL COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 18 under § 1421.157 (a) of Maximum Price Regulation 244—Gray Iron Castings; Docket No. SO-28-250.

For the reasons set forth in the opinion, issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices for gray iron castings sold by The Bignall Company. (a) On and after the effective date of this order, the Bignall Company, Medina, New York, is hereby authorized to sell, offer to sell and deliver, and any person is authorized to buy, offer to buy and receive, gray iron castings at prices not in excess of The Bignall Company's applicable maximum prices under Maximum Price Regulation 244, plus 4% of said maximum prices before the addition of charges, if any, for transportation.

(b) The permission granted in paragraph (a) of this order to The Bignall Company is subject to the following condition: Said company shall submit to the Office of Price Administration, Washington, D. C., on or before the last day of each month following the close of each quarter year beginning with the quarter ending March 31, 1943, the following documents signed under oath or affirmation and prepared in accordance with recognized accounting principles: (1) profit and loss statements for the preceding quarter, (2) balance sheets as of the close of the preceding quarter, (3) the profit and loss statements filed pursuant to (1) of this paragraph (b) must show (i) net sales, (ii) cost of commodities and services sold, stating separately total labor costs, total material costs, and total other manufacturing costs, (iii) general and administrative expenses, segregating compensation to officers and directors, and (iv) net profits before income and

excess profit taxes: *Provided*, That said Company need not file any of the foregoing financial data if it has filed such data or in the future does file such data on or before the time limits specified in this paragraph (b), on Form a—Annual Financial Report or Form B—Interim Financial Report, issued by the Office of Price Administration.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

This Order No. 18 shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6773; Filed, April 30, 1943;
12:25 p. m.]

[Order 3 Under MPR 300]

ACUSHNET PROCESS COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 3 Under Maximum Price Regulation 300—Maximum Manufacturers' Prices for Rubber Drug Sundries.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is hereby ordered*:

(a) The Acushnet Process Company of New Bedford, Massachusetts, may sell, offer to sell, deliver and transfer neoprene bulbs to the United States, any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing, at a price not in excess of the following:

Bulb	Maximum price per thousand
1/8 oz. Plungerless.....	\$35.84
1/4 oz. Plungerless.....	43.81
1/2 oz. Plungerless.....	68.64
1 oz. Plungerless.....	101.90
2 oz. Plungerless.....	146.69
4 oz. Plungerless.....	189.58
No. 65 Bulb.....	60.16
No. 10R Bulb.....	49.98
No. 550 Bulb.....	89.64
No. 1550 Bulb.....	89.64
No. 610 Bulb.....	68.54
No. 600 Bulb.....	101.30

(b) This order may be revoked or amended by the Administrator at any time.

This order shall become effective May 1, 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6772; Filed, April 30, 1943;
12:25 p. m.]

[Order 10 Under RPS 41]

PENN STEEL CASTINGS COMPANY

ADJUSTMENT OF MAXIMUM PRICES

Order No. 10 Under Revised Price Schedule No. 41—Steel Castings; Docket No. 3041-24.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered*:

Adjustment of maximum prices of Penn Steel Castings Company on sales of hawse pipes; rudder frames; contra-propeller posts; stern frames, stems and struts; and stern tubes. (a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41, Penn Steel Castings Company of Chester, Pennsylvania, may sell and deliver hawse pipe, rudder frame, contra-propeller post, stern frame, stem and strut, and stern tube castings at prices not to exceed its maximum prices for such castings established by Revised Price Schedule No. 41 prior to Amendment No. 4: *Provided*, That Penn Steel Castings Company shall file with the Office of Price Administration, Washington, D. C., quarterly profit and loss statements and quarterly balance sheets within thirty days after the close of each quarter year beginning with the second quarter of the year 1943, except that such information need not be filed if it is furnished prior to the expiration of said thirty days on the Form B—Interim Financial Reports issued by the Office of Price Administration.

(b) Persons may buy and receive the steel castings described in paragraph (a) from Penn Steel Castings Company at prices not in excess of those set forth in paragraph (a).

(c) The provisions of paragraphs (a) and (b) above shall be applicable to all steel castings described in paragraph (a) and shipped by Penn Steel Castings Company on and after March 24, 1943.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 10 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 10 shall be effective the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6769; Filed, April 30, 1943;
12:24 p. m.]

[Order 11 Under RPS 41]

MACHINED STEEL CASTING COMPANY

ADJUSTMENT OF MAXIMUM PRICES

Order No. 11 under Revised Price Schedule No. 41—Steel Castings; Docket No. SO-28-396.

For the reasons set forth in the opinion issued simultaneously herewith and

under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered*:

Adjustment of maximum prices of Machined Steel Casting Company on sales of steel castings for cranes. (a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41, The Machined Steel Casting Company of Alliance, Ohio, may sell and deliver steel castings for cranes of the types described in Items Nos. 7379 to 7416, inclusive, of the comprehensive report for the third quarter of 1941 at prices not in excess of prices ascertained by reference to the applicable price schedules, plus 10% thereof, listed in said Items Nos. 7379 to 7416, inclusive, on Page 39 of said comprehensive report and otherwise ascertained in accordance with the provisions of Revised Price Schedule No. 41: *Provided*, That The Machined Steel Casting Company file with the Office of Price Administration, Washington, D. C., quarterly profit and loss statements and quarterly balance sheets within 30 days after the close of each quarter year beginning with the second quarter of the year 1943, except that such information need not be filed if it is furnished prior to the expiration of said 30 days on the Form B—Interim Financial Reports issued by the Office of Price Administration.

(b) Persons may buy and receive the steel castings described in paragraph (a) from The Machined Steel Casting Company at prices not in excess of those set forth in paragraph (a).

(c) The provisions of paragraphs (a) and (b) above shall be applicable to all steel castings described in paragraph (a) shipped by The Machined Steel Casting Company on and after March 22, 1943.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 11 shall be effective 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6770; Filed, April 30, 1943;
12:24 p. m.]

[Order 29 Under Rev. MPR 169]

ARMOUR AND COMPANY, ET AL.

ADJUSTMENT OF MAXIMUM PRICES DENIED

Order No. 29 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts Denying Applications for Adjustment.

In the matter of:	Docket No.
Applicants:	
Armour and Company.....	3169-372
Armour and Company.....	3169-374-375
Swift and Company.....	3169-376-377
Cudahy Brothers Company...	3169-378
Maurer Packing Company...	3169-379
Meyer Kornblum Packing Company.....	3169-380

In the matter of:

Applicants:	Docket No.
Tobin Packing Co., Inc.	3169-381
Armour and Company	3169-382
Abraham Bros. Packing Company	3169-383
Earl C. Gibbs, Inc.	3169-384
Armour and Company	3169-385
Swift and Company	3169-386-387
Abraham Bros. Packing Company	3169-388
E. Kahn's Sons Company	3169-389
Armour and Company	3169-390
Cudahy Packing Company	3169-391
Maurer Packing Company	3169-392
Armour and Company	3169-393
Swift and Company	3169-394-395
Superb Packing Co., Inc.	3169-396
Abraham Bros. Packing Company	3169-397
Cudahy Brothers Company	3169-398
Superb Packing Co., Inc.	3169-399
Cudahy Brothers Company	3169-400
Armour and Company	3169-401-402
Swift and Company	3169-403-404
Cudahy Brothers Company	3169-405
The Wm. Schludenberg-T. J. Kurdie Company	3169-406
Armour and Company	3169-407
Jacob Schlachter's Sons Company	3169-408
E. Kahn's Sons Company	3169-409
Armour and Company	3169-410
Cudahy Brothers Company	3169-411
Abraham Bros. Packing Company	3169-412
Swift and Company	3169-415
E. Kahn's Sons Company	3169-416
Swift and Company	3169-417-418
Cudahy Brothers Company	3169-419
Armour and Company	3169-420
Kingan and Company	3169-421-447
Armour and Company	3169-448
The E. Kahn's Sons Company	3169-449
Swift and Company	3169-450-451
E. Kahn's Sons Company	3169-452
Jacob Bauer's Sons	3169-453
Wm. Schludenberg-T. J. Kurdie Company	3169-454
Superb Packing Co., Inc.	3169-455
Armour and Company	3169-456
Swift and Company	3169-458-460
Kingan and Company	3169-461-472
Cudahy Brothers Company	3169-473
Wm. Schludenberg-T. J. Kurdie Company	3169-474
The Kroger Grocery and Baking Co.	3169-475
Armour and Company	3169-476
Cudahy Brothers Company	3169-477
Swift and Company	3169-478-480

On or before April 17, 1943, Armour and Company of Delaware, Union Stock Yards, Chicago, Illinois, Swift and Company, Union Stock Yards, Chicago, Illinois, Cudahy Brothers Co., Cudahy, Wisconsin, Maurer Packing Company, 100 Meyers Avenue, Kansas City, Kansas, Meyer Kornblum Packing Company, 300 Central Avenue, Kansas City, Kansas, Tobin Packing Company, Inc., 401 South First Street, Estherville, Iowa, Abraham Bros. Packing Company, 705 South Dudley Street, Memphis, Tennessee, Earl C. Gibbs, Inc., 3378 West 65th Street, Cleveland, Ohio, E. Kahn's Sons Company, 3241 Spring Grove Avenue, Cincinnati, Ohio, Cudahy Packing Company, 221 N. LaSalle Street, Chicago, Illinois, Superb Packing Co., Inc., 1245 W. 45th Place, Chicago, Illinois, The Wm. Schludenberg-T. J. Kurdie Co., 3800 E. Baltimore Street, Baltimore, Md., Jacob Schlachter's Sons Company, 2841 Colerain Ave., Cincinnati, Ohio, Kingan and Company, Indianapolis, Indiana, Jacob

Bauer's Sons, 2870 Massachusetts Ave., Cincinnati, Ohio, The Kroger Grocery and Baking Company, 36th and L Streets, Omaha, Nebraska, filed separate applications for adjustment of maximum prices established under Revised Maximum Price Regulation No. 169, as amended, Beef and Veal Carcasses and Wholesale Cuts, in accordance with the provisions therefor contained in Procedural Regulation No. 6. The Price Administrator deems it appropriate that the several applications for adjustment be disposed of together. Due consideration has been given to the applications for adjustment and to each of them, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration, *It is ordered:*

(a) That the foregoing applications for adjustment and each of them be, and they hereby are, denied in whole;

(b) That each applicant who has received payment for any beef carcass or wholesale cut at the price requested in its application shall refund to the purchaser the difference between such requested price and the maximum price applicable to the sale of such beef carcass or wholesale cut at the time of such sale under Revised Maximum Price Regulation No. 169.

(c) This Order No. 29 shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6764; Filed, April 30, 1943; 12:24 p. m.]

[Order 304 Under MPR 188]

ARKANSAS PRODUCTS COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 304 under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.158 of Maximum Price Regulation No. 188: *It is hereby ordered:*

(a) Arkansas Products Company may sell, offer to sell and deliver and any person may buy, offer to buy and receive crushed stone at the maximum prices set forth below per net ton, f. o. b. cars at its plant, Harrison, Arkansas.

1½" to ¾"	\$1.18
1½" to 1"	1.23
1½" to ¾"	1.55
1" to ¾"	1.25
2½" to ¾"	.95
½" to #4 or #10	1.38
Scalped over a 3" screen	1.50
3" ballast	1.10
Crusher-run	.85

(b) Arkansas Products Company shall submit to the Office of Price Administration such reports as it may from time to time require.

(c) This Order No. 304 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6784; Filed, April 30, 1943; 3:21 p. m.]

[Order 305 Under MPR 188]

COOPERATIVE DISPLAYS, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 305 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Cooperative Displays, Inc., 327-333 E. Eighth Street, Cincinnati, Ohio, is authorized to sell and deliver its two packages of assorted model silhouette airplanes, designated in its application of February 17, 1943, as "Sil-O-Models", at prices, f. o. b. Cincinnati, Ohio, no higher than those set forth below:

	To jobbers	To retailers
	Per unit	Per unit
Small package	\$0.45	\$0.54
Large package	.90	1.08

(b) This Order No. 305 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 305 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6785; Filed, April 30, 1943; 3:21 p. m.]

[Order 308 Under MPR 188]

W. R. VERMILLION CO.

APPROVAL OF MAXIMUM PRICES

Order No. 308 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority

vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is ordered:*

(a) W. R. Vermillion Co., 202 Ozark Building, Kansas City, Missouri, may sell and deliver to jobbers its four new wood tool boxes and one new wood lunch box f. o. b. Merriam, Kansas, subject to discounts, allowances and terms no less favorable than those customarily granted by it, at prices no higher than those set forth below:

No. 100 Wood tool box.....	\$2.10
No. 125 Oak tool box.....	2.90
No. 500 Wood lunch box.....	.70
No. 150 Wood tool box.....	2.30
No. 155 Wood carpenters tool box.....	3.35

(b) This Order No. 308 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 308 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6786; Filed, April 30, 1943;
3:20 p. m.]

[Order 309 Under MPR 188]

LEVIN BROS., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 309 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Levin Bros. Inc., 215-17 Second Street North, Minneapolis, Minnesota, is authorized to sell and deliver baby cribs at a price no higher than \$7.50. This price is subject to Levin Bros. Inc.'s customary discounts, allowances, and other price differentials in effect during March, 1942.

(b) This Order No. 309 may be revoked or amended by the Price Administrator at any time.

This Order No. 309 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6787; Filed, April 30, 1943;
3:20 p. m.]

[Order 312 Under MPR 188]

STRAND SKI COMPANY

APPROVAL OF A MAXIMUM PRICE

Order No. 312 under § 1499.158 of Maximum Price Regulation No. 188—

Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered:*

(a) The Strand Ski Company of New Richmond, Wisconsin, may sell the all wood inner boxspring construction, described in a letter to the Office of Price Administration, Washington, D. C., dated November 21, 1942, as Restwood boxspring construction, at prices no higher than \$9.15 each for the 4/6 full size and 3/3 twin size, f. o. b. New Richmond, Wisconsin.

(b) This Order No. 312 may be revoked or amended by the Office of Price Administration at any time.

This Order No. 312 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6788; Filed, April 30, 1943;
3:20 p. m.]

[Order 313 Under MPR 188]

ULTRA CHEMICAL WORKS, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 313 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is ordered:*

(a) This order sets maximum prices for sales of a new dry powder fire extinguisher manufactured by Ultra Chemical Works, Incorporated, Wood and Shady Streets, Paterson, New Jersey. It applies only to the extinguisher described in the manufacturer's application to the Office of Price Administration dated February 18, 1943.

(1) The maximum price for sales by the manufacturer to jobbers is \$3.00 per dozen, f. o. b. Paterson, New Jersey, subject to terms no less favorable than a two per cent discount for payment within ten days of delivery, net thirty days.

(2) The maximum price for sales to retailers by the manufacturer and jobber is \$3.60 per dozen.

(3) The maximum price for sales at retail is \$.50 each.

(b) To each extinguisher delivered by the manufacturer after 1943 to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states that the retail ceiling price for the extinguisher is \$.50. The tag or label shall not be detached until the extinguisher has been delivered to the consumer.

(c) At or prior to the first invoice to each retailer, the manufacturer shall notify the purchaser of the maximum price set by this order for resales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

This order shall become effective May 1st 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6789; Filed, April 30, 1943;
3:20 p. m.]

[Order 314 Under MPR 188]

WESTERN ELECTRIC COMPANY, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 314 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Western Electric Company, Inc., 120 Broadway, New York City, may sell and deliver its high speed motion picture cameras D-163269 and D-163045 at prices no higher than those set forth below:

(1) For the lot of 20 units produced in the model shop of Bell Telephone Laboratories, Inc., \$1,320.00 each, f. o. b. Bayonne, N. J.

(2) For the first lot of 30 units produced in the shops of Western Electric Company, Inc., \$1,630.00 each, f. o. b. Bayonne, N. J.

(3) For other units, after the first 30, produced in the shops of Western Electric Company, Inc., \$1305.00 each, f. o. b. Bayonne, N. J.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1st 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6790; Filed, April 30, 1943;
3:19 p. m.]

[Order 315 Under MPR 188]

SPENCER CARDINAL CORPORATION

APPROVAL OF MAXIMUM PRICE

Order No. 315 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified

Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: It is ordered:

(a) Spencer Cardinal Corporation of Marion, Indiana, is authorized to sell and deliver the following occasional tables described in its price applications filed with the Office of Price Administration, Washington, D. C., dated December 18, 1942 and December 24, 1942, at prices no higher than \$4.75 each:

Model	Model	Model
1-999	14-979	27-1102
2-994	15-16	28-1101
3-986	16-1004	29-1097
4-1010	17-985	30-1096
5-1009	18-988	31-1090
6-998	19-997	32-1098
7-989	20-984	33-1095
8-1011	21-990	34-1100
9-987	22-991	35-1094
10-995	23-17	36-1099
11-992	24-1000	37-1093
12-993	25-1091	
13-1012	26-1089	

(b) This Order No. 315 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 315 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6791; Filed, April 30, 1943;
3:20 p. m.]

[Order 316 Under MPR 188]

RUSTIC CRAFTS COMPANY, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 316 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250: It is ordered:

(a) The Rustic Crafts Company, Inc., 389 East 165th Street, New York, New York, may sell and deliver its three new bird houses designated in its application as #1 plan, #2 plan and #3 plan, at prices no higher than those set forth below, subject to discounts, allowances and terms no less favorable than those customarily granted by it.

Bird house, #1 plan unfinished, knocked down	\$.60
Bird house, #2 plan finished, knocked down	.70
Bird house, #3 plan finished and assembled	.90

All prices are f. o. b. New York.

(b) This Order No. 316 may be revoked or amended by the Price Administrator at any time.

No. 87—12

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 316 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6792; Filed, April 30, 1943;
3:19 p. m.]

[Order 317 Under MPR 183]

ARLINGTON CHAIR CO. AND THAYER CO.

APPROVAL OF MAXIMUM PRICES

Order No. 317 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: It is ordered, That:

(a) The Arlington Chair Company, Gardner, Massachusetts, may sell and deliver its #4340 baby walker at a price no higher than \$6.00, f. o. b. Gardner, Massachusetts. This price is subject to 2% cash discount.

(b) The Thayer Company, Gardner, Massachusetts, may sell and deliver the #4340 baby walker purchased from the Arlington Chair Company of Gardner, Massachusetts, at prices, f. o. b. Gardner, Massachusetts, no higher than those set forth below:

In quantities of less than 24	\$7.45
From 24 to 48	7.20
In quantities of 48 or more	6.95

The above prices are maximum prices for sales to retail dealers and are subject to the Thayer Company's customary discounts, allowances, and other price differentials for sales to jobbers. All prices are subject to a 2% discount for cash.

(c) This Order No. 317 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 317 shall become effective the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6793; Filed, April 30, 1943;
3:19 p. m.]

[Order 318 Under MPR 188]

GATE CITY TABLE COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 318 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for

Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: It is ordered:

(a) Gate City Table Company, 3-5-7 Haynes Street, S. W., Atlanta, Georgia, may sell and deliver the Adirondack chairs listed herein at prices f. o. b. Atlanta Georgia, no higher than those set forth below:

#43 Chair, unfinished	2.50
#43 Folding chair, finished, white enamel	3.50
#43 Folding love seat, unfinished	4.00
#43 love seat, finished, white enamel	5.50

The above prices are subject to discount of 20% on sales to jobbers.

(b) This Order No. 318 may be revoked or amended by the Price Administrator at any time.

This Order No. 318 shall become effective on the 1st day of May 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6794; Filed, April 30, 1943;
3:19 p. m.]

[Order 10 Under RPS 49]

SOUTHERN STEEL AND SUPPLY COMPANY

ORDER GRANTING RELIEF

Order No. 10 under Revised Price Schedule 49—Resale of Iron or Steel Products; Docket No. 3049-30.

On March 23, 1943, Southern Steel and Supply Company of Los Angeles, California filed a petition for exception to Revised Price Schedule No. 49. Due consideration has been given to the petition and an opinion in support of this Order No. 10 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration: It is hereby ordered:

(a) The maximum price at which Southern Steel and Supply Company may sell and deliver, and agree, offer, solicit and attempt to sell and at which any person may buy and receive from Southern Steel and Supply Company, bevel edged carbon plow steel is \$12.50 per hundred lbs.

(b) This Order No. 10 may be amended or revoked by the Price Administrator at any time.

(c) This Order No. 10 shall become effective as of May 1, 1943.

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6811; Filed, April 30, 1943;
4:48 p. m.]

[Order 11 Under RPS 49]

SIMONS IRON & METAL CO., INC.

ORDER GRANTING EXTENSION OF TIME

Order No. 11 under Revised Price Schedule No. 49—Resale Of Iron Or Steel Products; Docket No. 3049-17.

On January 30, 1943, Simons Iron & Metal Co. Inc., of Newark, New Jersey, filed a petition with this Office requesting that the time limit set forth in Order No. 9 under Revised Price Schedule No. 49 be extended from January 31, 1943, to April 30, 1943. Due consideration has been given to the petition, and an opinion in support of this Order No. 11 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The time within which Simons Iron & Metal Co. Inc., may sell and deliver the class and grade of iron or steel products set forth in Order No. 5 under Revised Price Schedule No. 49, at the prices and under the conditions set forth in said Order No. 5 is hereby extended to June 30, 1943.

(b) Copies of invoices covering the sale and delivery of the products described in said Order No. 5 shall be filed with this Office not later than ten days after the delivery of any such products.

(c) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 11 shall become effective May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6812; Filed, April 30, 1943;
4:48 p. m.]

[Order 319 Under MPR 188]

SOUTHERN INDUSTRIES COMPANY

ORDER DENYING APPLICATION FOR ADJUSTMENT

Order No. 319 under § 1499.161 (a) (1) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel; Docket No. GF3-2660.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is ordered:*

(a) The application of Southern Industries Company, Twenty-third and Evergreen Ave., Jacksonville, Florida, filed November 5, 1942 and assigned Docket No. GF3-2660, requesting an adjustment of its maximum prices for brooms made of broom corn, is denied.

This order shall become effective May 1, 1943.

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6856; Filed, May 1, 1943;
1:34 p. m.]

[Order 320 Under MPR 188]

REDLICH MFG. CO.

APPROVAL OF MAXIMUM PRICES

Order No. 320 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is ordered:*

(a) Redlich Mfg. Company, 200 Fifth Avenue, New York, New York, is authorized to sell and deliver its new baseball game, described in its application of March 1, 1943, at prices, f. o. b. New York, New York, no higher than those set forth below:

To:	Per dozen
Jobbers.....	\$30.00
Retailers in quantities of 24 dozen or more.....	32.40
Retailers in quantities less than 24 dozen.....	36.00

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 3, 1943.

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6857; Filed, May 1, 1943;
1:35 p. m.]

[Order 321 Under MPR 188]

FOOD DISPLAY COVER CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 321 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Food Display Cover Co., Inc., 315-24 Transportation Building, Indianapolis, Indiana, may sell and deliver its two new industrial safety masks designated in its application, dated March 11, 1943, at prices no higher than those set forth below, subject to discounts, allowances, and terms no less favorable than those customarily granted by it.

Quantity	Light-weight	Heavy-weight
	Each	Each
1-50 dozen.....	\$0.20	\$0.30
50-100 dozen.....	.175	.275
100 dozen or more.....	.15	.25

All prices are f. o. b. factory.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 321 shall become effective on the 3d day of May, 1943.

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6858; Filed, May 1, 1943;
1:35 p. m.]

[Order 322 Under MPR 188]

B. DULCHIN, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 322 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The maximum price for sales by B. Dulchin, Inc., 170 Seventh Avenue, New York City, of a stirrup pump manufactured by it, described in an application to the Office of Price Administration dated October 5, 1942, is \$2.83, f. o. b. New York City.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 3, 1943.

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6859; Filed, May 1, 1943;
1:34 p. m.]

[Order 323 Under MPR 188]

SPOKANE CASKET CO.

ORDER GRANTING ADJUSTMENT

Order No. 323 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel; Docket No. GF3-2250.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emer-

agency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Spokane Casket Co., Spokane, Washington, may sell and deliver certain caskets at prices no higher than those set forth below, subject to discounts, allowances and terms no less favorable than those customarily granted by it:

#2—County flannel covered—trimmed complete—15" deep.....	\$16.65
#3—Social security or "A" crepe—trimmed complete.....	17.90
#4—Three panel low top "A" crepe—trimmed complete.....	20.95
770—Hi-top slip cap lambskin—trimmed complete.....	25.35
770—Minimum hinge cap lambskin—trimmed complete.....	26.90
770—Minimum ½ couch lambskin—int. plain art 1015 hardware.....	30.40
730—3 panel—hi top "E" crepe—trimmed complete.....	24.60
750—H-hinge cap lambskin 47 interior—rayon taffeta 1015 hardware.....	28.40
1850H—Hinge cap Victory steel (plush) 5N—broken twill 120 hardware.....	33.40
1850C—½ couch Nanson platinum (cotton plush) 111 interior—rayon twill 1120 hardware.....	42.95
1652—C—½ couch Norton rosebloom (cotton plush) 110 Carrol and french crepe 1304 hardware.....	49.45
1452—C—½ couch Crescent rose cedar (rayon plush) 120 interior (french crepe) 1304 hardware.....	55.80
1312C—½ couch Rajah nickel (acetate plush) 168 interior (rayon satin) 6300 hardware.....	64.70
1950C—½ couch Parma gunmetal (heavy pile rayon plush) 134 interior—baronial (rayon satin).....	76.55
2050C—½ couch Halifax silver (cotton plush) 625 interior—serge satin 419 hardware.....	63.25
2252C—½ couch Rovella mahogany (rayon plush) 200 interior—crepe & taffeta 396 hardware.....	68.60
2312C—½ couch Hadley steel (cotton & rayon plush) 118 interior—french crepe 1293 hardware.....	59.50
2450C—½ couch rayon rosebloom (cotton plush) 107 interior—(silk brocade) 432 hardware.....	57.00
2552C—½ couch broadcloth X3 (all wool) 148 interior—(serge satin) 4403 hardware.....	70.50
2652C—½ couch Avonne winetone (heavy pile rayon plush) 119 interior—french crepe & twill 1293 hardware.....	58.00
2752C—½ couch Crescent nickel (rayon plush) 117 interior—(rayon twill & crepe) 2071 hardware.....	49.75
2852C—½ couch broadcloth X2—steel 525—interior (crepe & satin) 434 hardware.....	64.50
2952C—½ couch Erie bisque (rayon plush) 270 interior (crepe & satin) 3700 hardware.....	72.30
3356C—½ couch Emperor (rayon plush) 558 interior (rayon twill) 3700 hardware.....	70.80
4650C—½ couch Avonne (heavy pile rayon plush) 244 interior (twill & crepe) 1304 hardware.....	62.80
6050C—½ couch Utopia bronze (acetate rayon plush) 534 interior (satin) 4462 hardware.....	94.10
6150C—½ couch broadcloth X3 (all wool) 344 interior (silk velvet) 2151 hardware.....	138.10
6650C—½ couch Rovelle mahogany (rayon plush) 162 interior (silk velvet) 4522 hardware.....	77.50

(b) Spokane Casket Co. shall send to each customer with each first delivery of caskets on which adjustment on maximum prices has been made pursuant to this Order No. 323 a complete list of adjusted maximum prices and a notice reading as follows:

The Office of Price Administration has granted Spokane Casket Co. permission pursuant to Order No. 323 under § 1499.161 (a) of Maximum Price Regulation No. 188, to increase its maximum prices to those specified in the price lists accompanying this order. Since these are standard wholesale prices for this commodity, you will not be permitted to increase maximum prices for your sales because of such increased maximum prices established for Spokane Casket Co.

(c) This Order No. 323 may be revoked or amended by the Price Administrator at any time.

This Order No. 323 shall become effective on this 3d day of May 1943.

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6860; Filed, May 1, 1943; 1:38 p. m.]

[Order 13 Under MPR 204]

NORTHERN STATES TRADING CORPORATION

ORDER GRANTING EXCEPTION

Order No. 13 under Maximum Price Regulation No. 204—Idle or Frozen Materials Sold Under Priorities Regulation No. 13; Docket No. 3204-4.

On August 28, 1942, Northern States Trading Corporation of New York, New York, filed a petition for exception to certain provisions of Maximum Price Regulation No. 204. Due consideration has been given to the petition and an opinion in support of this Order No. 13 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The maximum price which Northern States Trading Corporation is permitted to charge for the sale of 100,300 pounds of mild steel plates to Holston Ordnance Works is \$3.76 per hundred pounds, f. o. b. Weehawken, New Jersey.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 13 shall become effective May 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6855; Filed, May 1, 1943; 1:35 p. m.]

[Order 43 Under Rev. MPR 122]

RETAIL COAL DEALERS

ORDER DENYING ADJUSTMENT

Order No. 43 under Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers.

Retail Coal Dealers of Battle Creek, Michigan, by Edwin D. Brown, their attorney, filed a request for review of Order CV-122-12, issued February 11, 1943 by Birkett L. Williams, Cleveland Regional Administrator, denying their application for adjustment under § 1340.259 of Revised Maximum Price Regulation No. 122. Due consideration has been given to the application and the objections to the order of denial, and an opinion in support of this order has been issued simultaneously herewith.

For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with § 1340.259 of Revised Maximum Price Regulation No. 122, *It is ordered*, That the application for adjustment filed by Retail Coal Dealers of Battle Creek, Michigan, insofar as relief has not been granted by Revised Maximum Price Regulation No. 122, be and the same is hereby denied.

Issued and effective this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6884; Filed, May 1, 1943; 4:25 p. m.]

[Order 20 Under Rev. MPR 125]

SUPERIOR FOUNDRY COMPANY

ORDER ADJUSTING MAXIMUM PRICES

Order No. 20 under Revised Maximum Price Regulation No. 125—Nonferrous Castings; Docket No. 3125-17.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1395.12 of Revised Maximum Price Regulation No. 125, *It is hereby ordered:*

(a) The Superior Foundry Company of East Peoria, Illinois, hereinafter referred to as "the applicant", may sell and deliver to any person and any person may buy and receive from the applicant nonferrous castings produced by the applicant the same, or of the same class, as those sold or contracted to be sold by the applicant during the period from October 1 to October 15, 1941, inclusive, and those sold, contracted to be sold or delivered by the applicant during the period from May 11, 1942 to January 31, 1943, inclusive, at the maximum prices prescribed by § 1395.3 of Revised Maximum Price Regulation No. 125: Except, that in determining the maximum prices of nonferrous castings under that section the applicant need not make the reductions required by paragraph (b) of that section.

(b) The terms used in this order shall have the meaning given them by Revised Maximum Price Regulation No. 125.

(c) All prayers in the applicant's application for adjustment (Docket No. 3125-17) not granted herein are hereby denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall be effective as of February 1, 1943.

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6885; Filed, May 1, 1943;
4:25 p. m.]

[Order 21 Under Rev. MPR 125]

WILLIAM DUNCAN COMPANY

ADJUSTMENT OF MAXIMUM PRICES

Order No. 21 under Revised Maximum Price Regulation No. 125—Nonferrous Castings. Docket No. 3125-12.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1395.2 of Revised Maximum Price Regulation No. 125, it is hereby ordered:

(a) William Duncan Company of East Boston, Massachusetts, hereinafter referred to as "the applicant", may sell and deliver to any person, and any person may buy and receive from the applicant, copper and copper base alloy castings the same, or of the same class, as those sold or contracted to be sold by the applicant during the period from October 1 to October 15, 1941, inclusive, and those sold, contracted to be sold or delivered by the applicant during the period from May 11, 1942 to January 31, 1943, inclusive, at the maximum prices prescribed by § 1395.3 of Revised Maximum Price Regulation No. 125: Except, that in determining the maximum price of copper and copper base alloy casting under that section, the applicant need reduce the base price only by $\frac{1}{2}\text{¢}$ per pound instead of $1\frac{1}{2}\text{¢}$ per pound as required by paragraph (b) of that section.

(b) The terms used in this order shall have the meaning given them by Revised Maximum Price Regulation No. 125.

(c) All prayers in the applicant's application for adjustment under Revised Maximum Price Regulation No. 125, Docket No. 3125-12, not granted herein, are hereby denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall be effective as of February 1, 1943.

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6886; Filed, May 1, 1943;
4:25 p. m.]

[Order 324 Under MPR 188]

APPROVAL OF MAXIMUM PRICES

CHICAGO MUSICAL INSTRUMENT COMPANY

Order No. 324 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Chicago Musical Instrument Company, 30 East Adams Building at Wabash, Chicago, Illinois, may sell and deliver to the United States Government or any agency thereof, its new plastic bugle, at a price no higher than \$3.00 each.

(b) By July 15, 1943, or upon any earlier date if it should be practicable to report actual costs based on full production, the Chicago Musical Instrument Company shall prepare and mail to the Radio and Miscellaneous section of the Office of Price Administration, Washington, D. C., a statement setting forth: the number of units of the new plastic bugle manufactured; the number of units sold; unit costs broken down to show direct material cost and direct labor cost for each operation; total gross sales in dollars and cents; total returns and allowances; total factory burden broken down to show each of its elements; all other costs broken down to show their major elements.

(c) This Order No. 324 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 324 shall be effective May 3, 1943.

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6887; Filed, May 1, 1943;
4:24 p. m.]

[Rev. Order 4 Under RPS28]

CHARTRES ALCOHOL COMPANY

ORDER GRANTING ADJUSTMENT

Revised Order No. 4 under Revised Price Schedule No. 28, Ethyl Alcohol, Docket No. 3023-9.

Order No. 4 is amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 28 or in the General Maximum Price Regulation, Chartres Alcohol Company, New Orleans, Louisiana, may sell and deliver ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, produced from molasses, to the Defense Supplies

Corporation, Washington, D. C., a corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, and the Defense Supplies Corporation may buy such ethyl alcohol, at prices not in excess of these set forth below:

\$0.5225 per wine gallon, f. o. b. plant.

(b) All prayers of the applicant not granted herein are denied.

(c) This revised Order No. 4 under Revised Price Schedule No. 28 may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective May 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; 9250, 7 F.R. 7871).

Issued this 1st day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6888; Filed, May 1, 1943;
4:24 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-698, 79-701]

NEW ENGLAND PUBLIC SERVICE CO. AND NEW YORK POWER AND LIGHT CORP.

ORDER GRANTING APPLICATION AS AMENDED AND PERMITTING DECLARATION AS AMENDED TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of April 1943.

In the matters of New England Public Service Company, File No. 70-698, and New York Power and Light Corporation, File No. 79-701.

New England Public Service Company, a registered holding company, of which The Twin State Gas & Electric Company is a subsidiary, has filed a declaration, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, regarding the sale to New York Power and Light Corporation of the electrical distribution system and incidental assets owned by The Twin State Gas & Electric Company, located in the Town of Hoosick and the Village of Hoosick Falls, New York, for a price of \$183,863; plus an amount equal to the fair value of the materials and supplies, stated to be \$2,891.94; plus accounts and bills receivable, including energy metered but not billed, stated to be \$23,748.28; less the amount of consumers' deposits, stated to be \$2,604.66, comprising in all the sum of \$207,898.56, all as of December 31, 1942.

New York Power and Light Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, having filed an application regarding the acquisition of the aforesaid facilities, designating therein sections 9 (a) and 10 of the Act as being applicable thereto; and

The New York Public Service Commission having granted its consent to The

Twin State Gas & Electric Company to transfer said facilities to New York Power and Light Corporation, by reason of which consent there is some question as to whether the acquisition by New York Power and Light Corporation is subject to the provisions of section 10 of the Act or is exempt therefrom by virtue of section 9 (b) (1); and

Said declaration and application having been filed on April 2, 1943 and April 8, 1943, respectively, amendments to the former having been filed on April 10, 1943 and April 16, 1943, and an amendment to the latter having been filed on April 16, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration and application within the period specified in such notice or otherwise and not having ordered a hearing thereon; and

The Commission finding that the provisions of section 12 (d) and Rule U-44 are satisfied, and that no adverse findings are necessary thereunder; and deeming it appropriate, in the public interest and in the interests of investors and consumers, to permit said declaration to become effective; and

The Commission deeming it unnecessary to resolve the question as to whether the acquisition by New York Power and Light Corporation is exempt from the provisions of section 10 of the Act, since, in any event, it is of the opinion that the acquisition by New York Power and Light Corporation will serve the public interest by tending toward the economical and efficient development of an integrated public utility system, and that no adverse findings are necessary in respect of the matters set forth in sections 10 (b) and 10 (c) (1) of said Act:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the said declaration, as amended, be and the same hereby is permitted to become effective, and that the said application, as amended, be and the same hereby is granted.

By the Commission, Healy, C. dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-6861; Filed, May 1, 1943;
3:21 p. m.]

[File No. 54-46]

LONE STAR GAS CORP. ET AL.

ORDER EXTENDING TIME FOR COMPLIANCE WITH ORDER

In the matter of Lone Star Gas Corporation, Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company, Council Bluffs Gas Company, Lone Star Gasoline Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of April, A. D. 1943.

Lone Star Gas Corporation, a registered holding company, and certain of its subsidiary companies having filed applications and declarations, and amendments thereto, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, and having represented in and by said applications and declarations, as amended, that all features of the plan of reorganization and transactions incident thereto presented by said applications and declarations, except the disposal of system properties and businesses in and around El Paso and Galveston, Texas, would be consummated within six calendar months following the month in which the Commission should enter its final order approving said plan, granting said applications and permitting said declarations to become effective, and the Commission having entered such final order on October 22, 1942, subject to the condition, among others, that the several transactions approved or authorized by said order should be carried out in accordance with the terms and conditions of said applications and declarations, as amended;

Said applicants and declarants having now applied to the Commission for an order extending the time within which said several transactions, so to be consummated within said six months' period, may be consummated to July 1, 1943, said applicants representing that all phases of the plan of reorganization and all steps required to comply with the Commission's order of October 22, 1942, to be consummated within said six months, have now been consummated except the distribution to the stockholders of Lone Star Gas Corporation of the stock of the newly organized Lone Star Gas Company and that such distribution is now in process but it appears that the same cannot be finally completed within said six months' period;

The Commission having considered said application for an extension of time within which said transactions may be consummated and finding the same proper to be granted;

It is hereby ordered, That the period within which those transactions which by the order of this Commission herein of October 22, 1942, were required to be consummated within six months from the month in which said order was entered be, and the same is hereby extended to July 1, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-6862; Filed, May 1, 1943;
3:21 p. m.]

[File No. 43-139]

OKLAHOMA POWER AND WATER CO.

ORDER PERMITTING DECLARATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of April, A. D. 1943.

Oklahoma Power and Water Co., a subsidiary of The Middle West Corporation, a registered holding company, having filed declarations and amendments

thereto joined in by The Middle West Corporation pursuant to the Public Utility Holding Company Act of 1935 regarding, among other proposals, the conversion of its outstanding issues of common and preferred stock all of which are held by The Middle West Corporation, into 23,141 shares of capital stock of the par value of \$100 per share, proposing more particularly as follows:

(1) To convert 17,750 shares of 6% preferred stock and arrears thereon of the par value of \$100 per share into 17,750 shares of capital stock of an equal par value.

(2) To convert 60,000 shares of common stock without par value having a stated value of \$539,100 (after transfer of \$1.35 from earned surplus to the capital stock account) into 5,391 shares of capital stock of the par value of \$100 per share; and

Said declarations having been filed on February 10, 1943 and amendments thereto having been filed on March 4, 1943, March 11, 1943 and April 14, 1943 and notice of filing of the original declaration having been given in the form and manner prescribed in Rule U-25 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon and the Commission having by order issued on March 18, 1943 approved certain of the proposed transactions reserving jurisdiction with regard to the proposed transactions set forth in paragraphs (1) and (2) above; and

The Commission finding with respect to the proposed transactions set forth in paragraphs (1) and (2) above that the requirements of section 7 (e) of the Act are satisfied and that no adverse findings are necessary under section 7 (d) or 7 (e) and that the requirements of section 10 are met and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations as amended to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions contained in Rule U-24 that the aforesaid declarations with respect to the transactions set forth in paragraphs (1) and (2) above be, and they hereby are, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-6863; Filed, May 1, 1943;
3:21 p. m.]

[File No. 811-425]

CAPITAL MANAGEMENT PARTICIPATING FUND

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of April, A. D. 1943.

An application, and an amendment thereto, having been filed by Capital Management Participating Fund pur-

suant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application and amendment be held on May 10, 1943 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, Room 318, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-6864; Filed, May 1, 1943;
3:21 p. m.]

[File No. 812-317]

ATLAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 30th day of April, A. D. 1943.

Atlas Corporation, a registered closed-end management investment company, having filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of said Act the proposed purchase from Atlas Corporation by Bonwit Teller, Inc., an affiliated person of the applicant, of such number of the shares of the 5½% Preferred stock of Bonwit Teller, Inc. as represents the difference between 4500 shares and the number of shares of 5½% Preferred stock of Bonwit Teller, Inc. tendered by all holders of the said stock other than Atlas Corporation within ten days of an invitation to tender by Bonwit Teller, Inc., at a price of \$47 per share plus accrued dividends to the date of purchase;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on May 10, 1943 at 10:30 o'clock in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pa.; and

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of

the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-6865; Filed, May 1, 1943;
3:21 p. m.]

[File Nos. 59-46, 4-36]

CITIES SERVICE COMPANY, ET AL.

NOTICE OF HEARING

In the matter of Cities Service Company, Empire Gas and Fuel Company, Cities Service Gas Company, Cities Service Oil Company (Delaware), and Indian Territory Illuminating Oil Company, respondents, File No. 59-46; Cities Service Company, and Empire Gas and Fuel Company, respondents, File No. 4-36.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of April, A. D. 1943.

The Commission upon the petition of certain minority stockholders having issued its order on the 31st day of July, 1942 granting a hearing with respect to the suspension of certain exemptive rules promulgated under the Public Utility Holding Company Act of 1935 applicable to a pending plan of liquidation of Indian Territory Illuminating Oil Company, an indirect subsidiary of Cities Service Company, a registered holding company and having suspended the application of such rules pending said hearing; and

One of such stockholders having filed a petition for leave to withdraw his petition previously filed and requesting that the order of the Commission entered on July 31, 1942 be vacated; and

Such petition reciting that on December 28, 1942 the United States District Court for the District of Delaware, after appropriate notice and hearing, entered an order approving an offer of settlement of certain stockholders' derivative actions previously instituted on behalf of the minority stockholders of Indian Territory Illuminating Oil Company against Indian Territory Illuminating Oil Company, Cities Service Company, Empire Gas and Fuel Company, Cities Service Oil Company (Delaware) and others; and

Such order approving the offer of settlement providing that Empire Gas and Fuel Company, Cities Service Company and Cities Service Oil Company (Delaware) pay or cause to be paid to Indian Territory Illuminating Oil Company the sum of \$484,071 for distribution to the holders (other than Cities Service Oil Company (Delaware) of record on July 31, 1941 of 161,338 shares of Class A and Class B stock of Indiana Territory Illuminating Oil Company or to any subsequent assignees or transferees of such stock; subject, however, to credit and deduction from said amount of the sum of \$74,780.25 (being the aggregate of pay-

ments of 75¢ a share made to the holders of Class A and Class B stock of Indian Territory Illuminating Oil Company since July 31, 1941) and providing that such stockholders who had not previously received the distribution of 75¢ a share should receive \$3 per share, whereas those stockholders who had previously received such distribution should receive \$2.25 per share and further providing, that from the amount to be distributed to all of such stockholders there should first be ratably deducted each stockholder's share of allowances, costs, expenses and disbursements allowed by the Court; and

The court having further ordered that Empire Gas and Fuel Company, Cities Service Company and Cities Service Oil Company (Delaware) should pay or cause to be paid to Indian Territory Illuminating Oil Company the further sum of \$20,000 to be applied on account of the allowances, costs, expenses and disbursements as allowed by the Court; and

On April 3, 1943 the United States District Court for the District of Delaware having entered an order fixing allowances for counsel fees in the total sum of \$60,000 and for expenses in the total sum of \$2,174.86 being an aggregate of \$62,174.86; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said petition to vacate the order of the Commission dated July 31, 1942:

It is ordered, That a hearing on such petition be held before the Commission at 10:30 o'clock A. M. on the 25th day of May, 1943 in Room 318 at the offices of the Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That any interested person may appear at said hearing for the purpose of showing cause why such petition should not be granted. Notice is hereby given of said hearing to all interested persons and further notice of such hearing shall be given by publication of a copy of this notice in the FEDERAL REGISTER. Any persons desiring to be heard at such hearing should notify the Secretary of the Commission on or before the 20th day of May, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-6866; Filed, May 1, 1943;
3:21 p. m.]

[File No. 70-700]

MIDLAND UNITED CO. AND M. U. SECURITIES CORP.

NOTICE OF FILING AND ORDER FOR HEARING

In the matter of Hugh M. Morris, Trustee of the Estate of Midland United Company, Debtor in Reorganization, and M. U. Securities Corporation; File No. 70-700.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of May 1943.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the

Public Utility Holding Company Act of 1935 by Hugh M. Morris, Trustee of the Estate of Midland United Company, Debtor in Reorganization, a registered holding company, and by its wholly-owned subsidiary, M. U. Securities Corporation.

All interested persons are referred to said joint application-declaration, which is one file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

M. U. Securities Corporation proposes to liquidate and dissolve, and, to that end, it is proposed that M. U. Securities Corporation assign and transfer 1,859 shares of 7% Cumulative Prior Lien Stock and 778 shares of 6% Cumulative Prior Lien Stock of Midland Utilities Company, at present in its portfolio, to Hugh M. Morris, Trustee of the Estate of Midland United Company, Debtor in Reorganization, in return for a credit of \$20,000 upon the indebtedness of \$556,093.77, owing by M. U. Securities Corporation to Midland United Company. It is further proposed that M. U. Securities Corporation surrender, for cancellation, to Midland Utilities Company, the issuer, 64,009 shares of its no par value common stock, 1,337 shares of its 7% Cumulative Class A Preferred Stock, and 2,111 shares of its 6% Cumulative Class A Preferred Stock, all of which are stated to be worthless. Thereupon M. U. Securities Corporation will apply its cash on hand of \$1,394.53 to payment of expenses of liquidation, to taxes accrued, and then to payment, on account, of the indebtedness then due Midland United Company. Thereafter, the applicants-declarants will take such action as is necessary in order to complete the liquidation and dissolution of M. U. Securities Corporation.

Applicants-declarants having designated sections 9 (a), 10, 12 (c), 12 (d), and 12 (f) of the Act and Rules U-20, U-21, U-22, U-23, U-24, U-42 and U-43 promulgated thereunder as being applicable to the proposed transactions; and

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter and that said joint application-declaration shall not be granted or become effective except pursuant to further order of this Commission;

It is hereby ordered, That a hearing on such matters, under the applicable provisions of the said act and the rules of the Commission thereunder be held on May 24, 1943, at 2:00 p. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

At such hearing such cause shall be shown why such joint application-declaration shall be granted or become effective. Notice is hereby given of said hearing to the above-named applicants-declarants and to all interested persons.

It is further ordered, That any person desiring to be heard in connection with

the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before May 22, 1943, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered That, without limiting the scope of the issues presented by said joint application-declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed transactions are appropriate and in the public interest and the interest of investors and consumers;

2. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors and consumers;

3. Whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 and all Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-6900; Filed, May 3, 1943;
9:46 a. m.]

SELECTIVE SERVICE SYSTEM.

[Order 104]

AMES PROJECT, IOWA

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, by virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. 8675, 6 F.R. 831, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission under Administrative Order No. 26, 7 F.R. 10512, hereby designate the Ames Project to be work of national importance. Said project, located at Ames, Story County, Iowa, will be the base of operations for farm work in the State of Iowa, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Ames Project will consist primarily of labor in connection with farms, research work on better utilization of peat and muck soils, and in connection with the development of experimental areas and shall be under the technical direction of the Iowa State College of Agriculture and Mechanical Arts.

The camp, insofar as camp management is concerned, will be under the same institution. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

APRIL 27, 1943.

[F. R. Doc. 43-6804; Filed, April 30, 1943;
4:27 p. m.]

[Order 105]

LYNCHBURG PROJECT, VA.

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, by virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. 8675, 6 F.R. 831, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission under Administrative Order No. 26, 7 F.R. 10512, hereby designate the Lynchburg Project to be work of national importance, to be known as Civilian Public Service Camp No. 105. Said project, located at Colony, Amherst County, Virginia, will be the base of operations for work at the Lynchburg State Colony, an institution under the State mental hospital system of Virginia, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Lynchburg Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Lynchburg State Colony, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Lynchburg State Colony. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

APRIL 28, 1943.

[F. R. Doc. 43-6805; Filed, April 30, 1943;
4:27 p. m.]

CERTAIN WORK ON FARMS

PROJECTS FOR CONSCIENTIOUS OBJECTORS

Designation of certain work on farms as work of national importance under civilian direction.

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8675, 6 F.R. 831, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission under Administrative Order No. 26, 7 F.R. 10512, I hereby designate work on farms producing essential farm products to be work of national importance under civilian direction to which may be assigned registrants under the Selective Training and Service Act of 1940, as amended, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E. Work on such farms located within a 15 mile radius of any camp or project heretofore or hereafter designated or established as work of national importance under civilian direction shall be a part of the authorized work of such camps or projects and shall be under the civilian direction of the agency responsible for the work program at such camp or project.

LEWIS B. HERSHEY,
Director.

APRIL 30, 1943.

[F. R. Doc. 43-6895; Filed, April 30, 1943;
4:27 p. m.]

SOLID FUELS ADMINISTRATOR FOR WAR.

REGIONAL BITUMINOUS COAL MANAGERS DELEGATION OF AUTHORITY; FUNCTIONS AND DUTIES

By virtue of the authority conferred upon me by Executive order of the President of the United States (E.O. 9340, *supra*), I hereby order and direct:

1. The eleven managers of the field offices of the Bituminous Coal Division of the Department of the Interior are hereby appointed regional bituminous coal managers of the Solid Fuels Administration for War, to serve without added compensation. The regional bituminous coal managers shall use the personnel, records and facilities of the Bituminous Coal Division in the discharge of their duties under this order. Each regional bituminous coal manager shall have jurisdiction coextensive with the territory covered by the field office of the Bituminous Coal Division.

2. The regional bituminous coal managers are hereby delegated full powers of supervision and direction of the operation of all coal mines in their territorial jurisdiction during the period in which possession has been taken and continues under the authority of the Executive order. They shall have authority to advise and to issue directions with respect to the construction of the Executive order and such administrative orders as may be issued thereunder by me, and, wherever necessary, to issue (except as provided in section 7) specific directions as to the production, sale and distribution of coal by the mines subject to their supervision, and as to all operating and financial

arrangements of such mines. All directions and orders shall be in writing and a copy shall forthwith be mailed to the Solid Fuels Administrator for War. The regional bituminous coal managers shall be subject to such supervision and direction of the Administrator as may from time to time be prescribed and shall, whenever in their discretion the delay may be practicable, refer questions of general application or major importance to the Administrator for decision. The Administrator will undertake periodically to make and to distribute to each regional bituminous coal manager a digest of his decisions and rulings and it shall be the duty of the regional bituminous coal manager and his staff to familiarize himself with and to follow these decisions and rulings.

3. Each regional bituminous coal manager shall maintain a current list of the mines subject to his supervision and of the operating manager for the United States in charge of each; shall be the officer in immediate charge of each operating manager; and shall submit recommendations to the Administrator as to the administration of the general program, correlation between the several regional offices, and as to the reports which may be necessary from the several operating managers.

4. There is hereby created a regional advisory council in each regional office of the Solid Fuels Administration for War, which shall consist of the chairman and the labor representative of each bituminous coal district board in the territory covered by each of the several field offices of the Bituminous Coal Division. The members of the regional advisory councils shall serve without compensation and will be expected to be on duty in the offices of the regional bituminous coal managers at such times and for such periods as may prove necessary; where there are two or more chairmen of district boards or two or more labor representatives on any regional advisory council either or both groups may designate one man to serve in the absence of the others of such group.

5. The members of each regional advisory council shall be freely consulted by the regional bituminous coal managers, shall be free to offer advice to him and any member may be assigned such executive duties as the regional bituminous coal manager may prescribe or delegate. Any member of the regional advisory council shall be free to make specific or general suggestion or complaint to the Administrator who will give it his prompt and careful consideration.

6. The operating managers for the United States appointed by me to operate the several mines possession of which has been taken by me, as well as all other officers, mine workers and employees, shall serve on behalf of the United States, shall act in recognition of the resulting responsibilities and obligations, and shall be subject to the supervision and directions of the regional bituminous coal managers but shall not be officers or employees of the United States.

7. The Secretary of War has stationed one or more liaison officers with each regional bituminous coal manager, and

a liaison officer with the Administrator. Any request for the use of the armed forces of the United States to protect life or property shall be submitted by the operating manager in charge of the mine to the regional bituminous coal manager who shall promptly transmit it with his recommendation and that of the liaison officer to the Administrator for decision as to whether a request for such protection shall be submitted to the Secretary of War pursuant to the provisions of the Executive order. No operating manager and no regional bituminous coal manager shall have authority to make a request for military protection directly to any officer of the War Department or of the United States Army.

8. The compliance officers and other employees of the Bituminous Coal Division may be assigned by the regional bituminous coal managers to inspect the mines subject to their respective jurisdictions and to report upon the operations of the mines, the sale and distribution of bituminous coal and the manner in which the operating managers and other officers, mine workers and employees of the company are discharging the responsibilities and obligations attaching to their service on behalf of the United States.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

MAY 1, 1943.

[F. R. Doc. 43-6875; Filed, May 1, 1943;
4:04 p. m.]

[Order No. 1811]

ANTHRACITE COAL MINES

FUNCTIONS AND DUTIES OF REGIONAL MANAGER AND ADVISORY COUNCIL

By virtue of the authority conferred upon me by Executive order of the President of the United States, I hereby order and direct:

1. The Chief, Mineral Production Security Division, Bureau of Mines, is hereby appointed Regional Anthracite Coal Manager of the Solid Fuels Administration for War, to serve without added compensation. He shall use the personnel, records and facilities of the Bureau of Mines in the discharge of his duties under this order. His jurisdiction shall extend throughout the anthracite coal mining region in Pennsylvania.

2. The Regional Anthracite Coal Manager is hereby delegated full powers of supervision and direction of the operation of all anthracite coal mines in his territorial jurisdiction during the period in which possession has been taken and continues under the authority of the Executive order. He shall have authority to advise and to issue directions with respect to the construction of the Executive order and such administrative orders as may be issued thereunder by me, and, wherever necessary, to issue (except as provided in section 7) specific directions as to the production, sale and distribution of coal by the mines subject to his supervision, and as to all operating and financial arrangements of such mines. All directions and orders shall be in writ-

ing and a copy shall forthwith be mailed to the Solid Fuels Administrator for War. The Regional Anthracite Coal Manager shall be subject to such supervision and direction of the Administrator as may from time to time be prescribed and shall, whenever in his discretion the delay may be practicable, refer questions of general application or major importance to the Administrator for decision. The Administrator will undertake periodically to make and to distribute to the Regional Anthracite Coal Manager a digest of his decisions and rulings and it shall be the duty of the Regional Anthracite Coal Manager and his staff to familiarize himself with and to follow these decisions and rulings.

3. The Regional Anthracite Coal Manager shall maintain a current list of the mines subject to his supervision and of the operating manager for the United States in charge of each; shall be the officer in immediate charge of each operating manager; and shall submit recommendations to the Administrator as to the administration of the general program, and as to the reports which may be necessary from the several operating managers.

4. There is hereby created an Anthracite Advisory Council, which shall consist of the two anthracite operator representatives on the Solid Fuels Advisory War Council and the anthracite labor representative on that Council, together with one other representative to be selected by him. The members of the Anthracite Advisory Council shall serve without compensation and will be expected to be on duty in the office of the Regional Anthracite Coal Manager at such times and for such periods as may prove necessary.

5. The members of the Anthracite Advisory Council shall be freely consulted by the Regional Anthracite Coal Manager, shall be free to offer advice to him and any member may be assigned such executive duties as the Regional Anthracite Coal Manager may prescribe or delegate. Any member of the Anthracite Advisory Council shall be free to make specific or general suggestion or complaint to the Administrator who will give it his prompt and careful consideration.

6. The operating managers for the United States appointed by me to operate the several mines possession of which has been taken by me, as well as all other officers, mine workers and employees, shall serve on behalf of the United States, shall act in recognition of the resulting responsibilities and obligations, and shall be subject to the supervision and directions of the Regional Anthracite Coal Manager but shall not be officers or employees of the United States.

7. The Secretary of War has stationed a liaison officer with the Regional Anthracite Coal Manager, and a liaison officer with the Administrator. Any request for the use of the armed forces of

the United States to protect life or property shall be submitted by the operating manager in charge of the mine to the Regional Anthracite Coal Manager who shall promptly transmit it with his recommendation and that of the liaison officer to the Administrator for decision as to whether a request for such protection shall be submitted to the Secretary of War pursuant to the provisions of the Executive order. Operating managers and the Regional Anthracite Coal Manager shall not have authority to make a request for military protection directly to any officer of the War Department or of the United States Army.

8. The inspectors and investigators and other employees of the Bureau of Mines may be assigned by the Regional Anthracite Coal Manager to inspect the mines subject to his jurisdiction and to report upon the operations of the mines, the sale and distribution of coal and the manner in which the Operating Managers and other officers, mine workers and employees of the company are discharging the responsibilities and obligations attaching to their service on behalf of the United States.

HAROLD L. ICKES,
Solid Fuels Administrator for War.
MAY 1, 1943.

[F. R. Doc. 43-6923; Filed, May 3, 1943;
11:16 a. m.]

WAR MANPOWER COMMISSION.

[General Order 8]

BLAST FURNACES, STEEL WORKS, AND ROLLING MILLS OF IRON AND STEEL INDUSTRY

DESIGNATION AS ESSENTIAL ACTIVITIES

I. By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301 establishing a minimum wartime workweek of 48 hours, and pursuant to the provisions of § 903.2 of the regulations prescribed by me on February 22, 1943, I hereby designate blast furnaces, steel works, and rolling mills of the Iron and Steel Industry as essential activities subject to the provisions of Executive Order No. 9301.

II. The provisions of this order shall apply to any establishment subject to this order, in lieu of §§ 903.3 to 903.8, inclusive, of the regulations prescribed by me on February 22, 1943.

III. A minimum wartime workweek of 48 hours shall be established in each blast furnace, steel works, and rolling mill subject to this order:

(a) Not later than June 1, 1943, if such minimum wartime workweek can be established without release of workers; and

(b) On and after the date approved as provided in section IV hereof, if such minimum wartime workweek cannot be established without release of workers.

IV. If the adoption, on and after July 1, 1943, of a minimum wartime workweek of 48 hours in any establishment subject to this order would require the release of workers, a schedule indicating the time of such release shall be submitted, on or before July 1, 1943, to the area or regional director of the War Manpower Commission or his designated representative. Upon the approval of a schedule for such release of workers by the War Manpower Commission representative, or upon the issuance of a schedule by the regional director on his own initiative, the minimum wartime workweek of 48 hours shall be established in accordance therewith.

V. If the workweek of any worker employed in any blast furnace, steel works, or rolling mill subject to this order is less than 48 hours per week, on and after June 1, 1943 no additional worker shall be hired for work therein without the approval of the War Manpower Commission for the specified job and department involved, unless an exemption has been granted under section VI.

VI. Regional and area manpower directors are authorized to determine all questions arising within their respective regions and areas with respect to the interpretation and application of this order in conformity with such procedures and instructions as the Executive Director of the War Manpower Commission may issue.

Exemptions shall be subject to instructions from the Chairman, and exemptions shall be allowed by regional directors only in accordance with such instructions.

VII. "Minimum wartime workweek" as used in this order means a workweek of 48 hours within a period of seven successive days beginning with the same calendar day each week during which workers are normally required to be on duty.

VIII. No provision of this order shall be construed or applied so as to require the extension of the workweek of youths under the age of 18 years or of individuals who on account of other employment, household responsibilities, or physical limitations are not available for full-time work, or so as to conflict with any Federal, State or local law or regulation limiting hours of work.

IX. As used herein the terms "blast furnace," "steel works" and "rolling mill" mean any establishment which is (i) primarily engaged in the production of pig iron from iron ore or scrap, or in rolling, forging or drawing crude iron or steel into semi-finished or finished products, and (ii) is operating under a production directive of the War Production Board, or whose pig iron production is allocated by the War Production Board.

PAUL V. McNUTT,
Chairman.

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